

GENERAL ORDINANCE NO. G- 41-77

AN ORDINANCE ESTABLISHING A MERIT COMMISSION  
FOR THE FORT WAYNE FIRE DEPARTMENT,  
PROVIDING FOR THE SELECTION OF MEMBERS FOR SAID COMMISSION,  
PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A  
MERIT SYSTEM TO GOVERN THE APPOINTMENT AND PROMOTION  
OF MEMBERS OF SAID DEPARTMENT AND PROVIDING  
MEMBERS OF SAID DEPARTMENT A METHOD FOR THE  
RESOLUTION OF GRIEVANCES

SECTION 1.

DEFINITIONS AS USED HEREIN.

The words "Board" and "Board of Safety" shall refer to  
that agency known as the "Board of Public Safety" and as the  
"Board of Commissioners of the Department of Safety."

The word "Chief" shall refer to the Chief of the Fort  
Wayne Fire Department.

The word "City" shall refer to the City of Fort Wayne,  
Indiana.

The word "Commission" shall refer to the Fire Department  
Merit Commission as provided for hereinafter.

The word "Commissioner" shall refer to any member of the  
Fire Department Merit Commission.

The words "Common Council" and "Council" shall refer to  
the Common Council of the City of Fort Wayne, Indiana.

The words "Fire Department" shall refer to the Fort Wayne  
Fire Department.

The word "Firefighter" shall refer to any active member  
of the Fort Wayne Fire Department, excluding those members who  
are assigned to the Department of Traffic Engineering and/or the  
Communications Department of the City of Fort Wayne, Indiana,  
and excluding also those former members who are on the retired  
list of the Fort Wayne Fire Department.

The word "Mayor" shall refer to the Mayor of the City of  
Fort Wayne, Indiana.

The words "the two parties" shall refer to the two

1 political parties whose respective candidates for Mayor received  
2 the highest number of votes at the last preceding city election.  
3 The word "party" shall refer to one of said parties.

4 The conjunctive shall include the disjunctive and the  
5 disjunctive shall include the conjunctive. The masculine shall  
6 include the feminine and the neuter and the neuter shall include  
7 the feminine and the masculine. The singular shall include the  
8 plural and the plural shall include the singular.

9  
10 SECTION 2.

11 QUALIFICATION AND SELECTION OF COMMISSIONERS.

12 Within ninety days after the adoption of the Ordinance,  
13 the Fire Department Merit Commission shall be selected as herein-  
14 after provided. The Commission shall consist of five members.  
15 The members of the Commission shall be residents of the City of  
16 Fort Wayne and persons of good moral character. No more than  
17 three of the Commissioners shall be members of the same party.  
18 Two, but no more than two, of said members may be from the  
19 retired list of the Fort Wayne Fire Department and the remaining  
20 three members of the Commission shall be drawn from a broad cross  
21 section of persons representative of the citizens of the City  
22 and shall have an interest in, or a knowledge or understanding of,  
23 the various phases of the fire service, as performed by the Fire  
24 Department. Persons shall be ineligible to serve as members of  
25 the Commission if they hold elected or appointed positions as  
26 officers of any governmental entity, or full time employment as  
27 officers or employees of any governmental entity or if they have  
28 held any such employment in the preceding four years. Every  
29 member appointed or elected to the Commission shall take and  
30 subscribe to an oath that he will conscientiously and faithfully  
31 discharge the duties of the office. Said oath shall be filed  
32 with the City Clerk.

33 The members of the Commission shall be selected as  
34 hereinafter set forth. The active members of the Fire Department  
35 shall elect two members of the Commission. One shall be a member

1 of one of the parties and the second a member of the other of the  
2 two parties. The Mayor shall then make one appointment to the  
3 Merit Commission, after which the Common Council shall make one  
4 appointment to the Merit Commission, who shall be a member of the  
5 other party from the member of the Commission appointed by the  
6 Mayor. The four Commissioners so elected shall select a fifth  
7 member by unanimous vote. Of the two members first elected by the  
8 active members of the Fire Department, one shall serve for a term  
9 of four years and one shall serve for a term of two years. The  
10 candidate receiving the highest number of votes by active members  
11 of the Fire Department shall serve the four year term and the  
12 candidate who is a member of the other party and who receives the  
13 highest number of votes of candidates from said party shall serve  
14 the two year term. The first Commissioner appointed by the Mayor  
15 shall serve for one year. The first Commissioner appointed by  
16 the Common Council shall serve for three years. The fifth Commis-  
17 sioner, selected by unanimous vote by the other four, shall serve  
18 for a term of four years. Upon the expiration of the aforesaid  
19 terms, the terms of each Commissioner shall be for four years.

20 For the purpose of selecting candidates to be elected by  
21 the active members of the Fire Department to serve as members of  
22 the Fire Commission, there shall be a nominating committee from  
23 each of the two parties. Each such committee shall consist of  
24 five members. The Board of Safety shall designate a period of  
25 ten days in which to call for and receive the name of any active  
26 member of the Fire Department who wishes to serve on one of the  
27 two nominating committees. Any such member shall make applica-  
28 tion to the Board, in writing, within the designated period,  
29 identifying the party of which he is a member on his application.  
30 In the event there are fewer than five applicants, the Board of  
31 Safety shall nominate additional firefighters so that there  
32 shall be five.

33 At the close of the ten day period, the Board shall  
34 compile a list of each of the two parties showing the names of  
35 all those wishing to serve on the nominating committee of their

1        respective parties. A meeting shall then be called by the Board  
2        for members of each of the two parties. All those who have made  
3        application to the Board, or who have been nominated by the Board,  
4        shall be notified to attend the meeting of their respective parties.  
5        If the number of applicants for the nominating committee  
6        exceeds five, an election shall be held. The Board of Safety  
7        shall conduct such election. Each applicant shall vote for five  
8        applicants by secret ballot. The five applicants receiving the  
9        highest number of votes shall be elected to the nominating committee.  
10       

11                It shall be the responsibility of each nominating committee  
12        to canvass the community, including members of the retired  
13        list of the Fire Department, and to select three candidates for  
14        election as a member of the Commission. When selected, the names  
15        of the candidates shall be placed on ballots to be used in the  
16        election as provided for hereinafter. At such election, each  
17        voter shall vote for two candidates, one from each of the two  
18        parties.

19                Each nominating committee shall organize itself with  
20        a chairperson and a vice-chairperson.

21                The elections by the active members of the Fire Department  
22        shall be made at meetings held on two consecutive days,  
23        called for such purpose by the Board of Safety. The Board shall  
24        give at least three weeks' notice of said meetings to all members  
25        of the Fire Department by posting a copy of the notice in all  
26        Fire Company locations, and by sending every active member of the  
27        Fire Department a notice indicating the time and place of said  
28        meetings. No one shall be entitled to be present at the meetings  
29        and exercise the right to vote unless he is a member of the Fire  
30        Department.

31                Each of the nominating committees, as provided for  
32        above, shall choose from its own membership one person to serve  
33        as a co-chairperson of the election. Said co-chairpersons  
34        shall have charge of the conduct of the election. Voting shall  
35        be by secret ballot and the candidate receiving the highest

1 number of votes of candidates from said party shall be elected as  
2 members of the Commission. Active members of the Fire Department  
3 who are on vacation, ill, injured, or otherwise unable to attend  
4 either such meeting may vote by written proxy. Said proxy must  
5 be notarized and put into a sealed envelope and sent to the co-  
6 chairpersons prior to the election and opened and counted imme-  
7 diately after the counting of the ballots at said meeting. The  
8 results of the election shall be tabulated and filed with the City  
9 Clerk.

10       Upon the completion of the term of a Commissioner elected  
11 by the active members of the Fire Department, or upon any such  
12 Commissioner's leaving office for any other reason, the same pro-  
13 cedure shall be followed for the election of a new Commissioner as  
14 hereinabove specified except that the Board of Safety shall  
15 designate a period of ten days in which to call for and receive  
16 the name of any active member of the Fire Department who wishes to  
17 serve on the nominating committee and who is a member of the same  
18 party as the Commissioner whose term has expired or who has left  
19 office for any other reason. In the event there are fewer than  
20 five applicants, the Board of Safety shall nominate additional  
21 firefighters so that there shall be five. At the close of such  
22 ten day period, the Board shall call a meeting for members of  
23 said party. All those who have made application to the Board, or  
24 have been nominated by the Board, shall be notified to attend the  
25 meeting. If the number of applicants exceeds five, an election  
26 shall be held. The Board of Safety shall conduct such election.  
27 Each applicant shall vote for five applicants by secret ballot.  
28 The five applicants receiving the highest number of votes shall  
29 be elected to the nominating committee. It shall be the responsi-  
30 bility of the nominating committee so selected to submit a list  
31 of three candidates who shall be members of the same party as  
32 the members of the nominating committee. The election thereafter  
33 held shall be under the supervision of the nominating committee  
34 so chosen and confined to the three candidates selected by said  
35 committee but all active members of the Fire Department shall be

1 entitled to vote at said election.

2  
3 SECTION 3.

4 REMOVAL.

5 Any Commission member may be removed for cause by the  
6 body which selected him. Such removal shall be effected by that  
7 body's filing a statement, in writing, in the Office of the City  
8 Clerk and a copy shall be served upon the member. Any member  
9 shall be removed if he becomes ineligible for reasons of resi-  
10 dency or for assuming political office or full time employment  
11 as proscribed in Section 2 hereof.

12  
13 SECTION 4.

14 COMPENSATION.

15 Each of the five members of the Commission may be paid  
16 a per diem allowance for each day of actual service in an amount  
17 not to exceed Fifty Dollars (\$50.00) per day subject to the  
18 approval of the Mayor and the Common Council; and in addition,  
19 the members may be paid a salary, not to exceed Five Hundred  
20 Dollars (\$500.00) per year for each member, subject to the  
21 approval of the Mayor and the Common Council.

22  
23 SECTION 5.

24 FILLING UNEXPIRED TERM.

25 In the event a Commissioner is unable to complete his  
26 term because of death, sickness, resignation, or any other reason,  
27 a Commissioner shall be selected to complete his term in the same  
28 manner as he was selected.

29  
30 SECTION 6.

31 MEETINGS AND QUORUM.

32 Three members of the Commission shall constitute a  
33 quorum for the transaction of all official business at meetings  
34 of the Commission. Meetings shall be held after each member of  
35 the Commission has been notified of the time and place of the

meeting by certified mail, return receipt requested, which notice shall be received at least three days before the meeting, or by any other such means as may be agreed upon unanimously by all Commission members.

#### SECTION 7.

##### ESTABLISHMENT OF RULES AND REGULATIONS AND OFFICERS.

Such Commission shall establish rules and regulations to implement the provisions of this Act affecting hiring, rating and promotion of all Fire Department members below the rank of Assistant Chief. Before any such regulations shall be adopted by the Commission, the Commission shall provide for a public hearing to consider the adoption of the proposed rules and regulations. The Commission, at least ten days prior to the fixed date for such public hearings, shall cause a notice of the hearing to be published in two newspapers of general circulation in the City of Fort Wayne, Indiana. The notice shall contain an announcement of the time and place of the hearing and a resume of the subject matter of the proposed rules and regulations.

At least ten days prior to the hearing, one copy of the proposed rules and regulations shall be placed on file in the Office of the City Clerk and shall be open to inspection by any citizen of such City, and additional copies of the proposed rules and regulations shall be forwarded to each Fire Company. At the hearing, any resident of said City, as well as any member of the Fire Department, shall be afforded the opportunity to be heard on any matter relative to the adoption of the proposed rules and regulations, and shall be allowed to present either written or oral testimony. All testimony so presented shall be given due consideration by the Commission in making its final decision on adopting the proposed rules and regulations.

The Commission shall elect, from its members, a chairman, vice-chairman and a secretary, for a one year term. The secretary of the Commission shall make and keep permanent record of its proceedings. The Commission shall be authorized and directed to

1 prepare and adopt rules and regulations governing the hiring of  
2 persons to be employed as members of the Fire Department, the  
3 rating of persons employed as active members of the Fire Depart-  
4 ment and the promotion of members of the Fire Department up to  
5 and including the rank of District Chief, from the next lower  
6 rank.

7 Duplicate personnel files and records involving  
8 individual members of the Fire Department are to be maintained in  
9 locked files in the office of the Fire Chief and in the office of  
10 the Commission. These records are to be used only by the Fire  
11 Chief and the Commission or their authorized representatives. Any  
12 individual firefighter, or his authorized representative, may  
13 examine his own file, but none of such personnel files and records  
14 are public record.

15 All test material shall be the property of the Commission.  
16 Any unauthorized distribution of such material shall be punishable,  
17 upon conviction, by a fine of One Thousand Dollars (\$1,000.00) or  
18 such an amount as shall be the maximum permitted by state law.

19  
20 SECTION 8.

21 HIRING.

22 The Commission shall cause all applicants for the Fort  
23 Wayne Fire Department to be tested, in a manner it determines.  
24 The Commission shall establish and maintain a list of eligible  
25 candidates based on the results of such tests, those scoring  
26 highest to be placed at the head of the list. As openings occur  
27 in the department, the Commission shall supply the Board of Public  
28 Safety with a list of eligible candidates on a ratio of appli-  
29 cants to openings of no greater than one and six tenths or no  
30 less than one and five tenths [three to two ratio or the next  
31 highest multiple]. In the event of one opening, two applicants  
32 shall be provided.

33  
34 SECTION 9.

35 JOB DESCRIPTION.



1 FIRE CHIEF: Responsible for the overall supervision  
2 and control of the Fire Department which  
3 includes development of policy and proce-  
4 dures, budget preparation, personnel adminis-  
5 tration, discipline, public relations and  
6 fire scene command, monitoring the Fire  
7 Department radio frequency and normally on  
8 call at all times.

9 DEPUTY CHIEF: Responsible for overall supervision when the  
10 Chief is out of town or incapacitated.  
11 Handles routine day to day duties. In  
12 charge of buildings and grounds of the fire  
13 stations. Preparation and supervision of  
14 budgets and accounting. In charge of per-  
15 sonnel and records; overall control of  
16 offices and respective personnel. Second  
17 level of command.

18 ASSISTANT CHIEF: Senior officer on duty in combat division,  
19 A, B or C shifts. Exercises field control  
20 of shift to which assigned. In charge of  
21 fire scene unless relieved by the Chief or  
22 Deputy Chief. Third level of command.

23 ASSISTANT CHIEF Responsible to the Fire Chief for the main-  
24 FIRE SHOP: tenance shop, the mechanical condition and  
25 maintenance of all Fire Department vehicles,  
26 apparatus, tools and equipment, including  
27 the repair and testing of such equipment.

28 ASSISTANT CHIEF In charge of all phases of personnel train-  
29 TRAINING DIVISION: ing and maintaining records. In charge of  
30 the training academy.

31 ASSISTANT CHIEF Supervises record section of the Fire Depart-  
32 FIRE PREVENTION ment consisting of Fire Department runs,  
33 BUREAU: Emergency Medical Service runs, completion  
34 of State Fire Marshall Report forms and  
35 Monthly Report forms. Supervises the

1 inspections required by law of all commer-  
2 cial, industrial, mercantile, and other  
3 buildings in the corporate limits. Exer-  
4 cises responsibility for enforcement of  
5 State Article VII codes, concerning the  
6 applicable fire safety laws. Supervises  
7 activities in the field of fire safety  
8 education of community groups. Recommends  
9 to the administration any additions or  
10 changes to the Fire Prevention Code. Super-  
11 vises the investigations of any suspected  
12 arson and other activities done by the  
13 investigative section. Performs public  
14 relations work for the department such as  
15 preparing news releases, public appearances  
16 on television, and public speaking engage-  
17 ments.

18 DISTRICT CHIEF:

Responds to all fire alarms in his respec-  
19 tive portion of the City except "stills."  
20 Takes initial command of a fire scene and  
21 directs fire extinguishing operations by  
22 the various Fire Companies on the scene.  
23 If the Assistant Chief responds to the fire  
24 scene, the District Chief relinquishes com-  
25 mand. Shall notify the Fire Prevention  
26 Bureau if arson is suspected or if the fire  
27 cause is undetermined. Shall also visit  
28 each fire station under his command every  
29 day, if practical.

30 DISTRICT CHIEF

Works with the Fire Prevention Assistant  
31 Chief. During the absence of the Fire Pre-  
32 vention Assistant Chief, assumes the duties  
33 of the Fire Prevention Chief.

(DEPUTY CHIEF)

32 FIRE PREVENTION

33 BUREAU:

34 PLATOON CAPTAIN

Next rank below that of District Chief, in  
35 command of a rescue unit. In the absence

COMBAT:

1		of the District Chief, the Platoon Captain
2		assumes the duties of the District Chief.
3		At fires involving sprinkled buildings,
4		it is the duty of the Platoon Captain to
5		see that standpipes are being supplied with
6		water from one of the pumps and to see that
7		the merchandise and furnishings are properly
8		protected with salvage covers whenever
9		necessary.
10	PLATOON CAPTAIN	Responsible to Assistant Chief of the Fire
11	FIRE SHOP:	Shop. Handles routine assignments and pre-
12		parees daily work loads for mechanics.
13	PLATOON CAPTAIN	Assists Assistant Chief of the Training
14	TRAINING DIVISION:	Division in training men, house duties and
15		maintaining records.
16	PLATOON CAPTAIN	Inspects all buildings pertaining to the
17	INSPECTORS:	Fire Prevention Code, investigates fires
18		and public relations work for the department.
19	CAPTAIN:	Assigned to Engine Companies. The Company
20		Officer is responsible for the morale,
21		discipline, training and performance of his
22		particular Fire Company. Responsible for the
23		condition of the building and apparatus. In
24		the event that two Captains are assigned to
25		the same Engine House, the Captain with the
26		most overall seniority shall be the Station
27		Commander.
28	CAPTAIN	Performs duties of regular maintenance and
29	FIRE SHOP:	repairs on all vehicles under the supervision
30		of the Assistant Chief of the Fire Shop.
31	LIEUTENANT:	In charge of Ladder Companies. In the
32		absence of the Captain, the Lieutenant
33		assumes the duties of the Captain.

34 SECTION 10.

35

1     RATINGS AND PROMOTION.

2             The rules and regulations of the Commission shall  
3     prescribe that the following four factors shall be the basic  
4     components in rating a member of the Fire Department and that  
5     such ratings shall determine the eligibility of all Fire Depart-  
6     ment personnel for promotion to new positions or to fill vacancies  
7     in all ranks below Assistant Chief. Such eligibility ratings  
8     shall remain valid for a period of three years. All members of  
9     the Fire Department interested in promotion under the provisions  
10    of this Act are eligible for a rating as hereinafter provided.

11            FACTOR 1. THE SENIORITY RIGHTS OF A MEMBER OF THE FIRE

12            DEPARTMENT. The seniority rights of a member shall be  
13            based on two percent per year of service up to and  
14            including fifteen years. For the purpose of awarding  
15            credit for incomplete years of service, a formula of  
16            one sixth of one percent per month shall be applied.

17            FACTOR 2. THE GRADE RECEIVED BY A MEMBER ON A COMPETI-  
18            TIVE EXAMINATION PERTAINING TO THE FIRE SERVICE IN FORT

19            WAYNE. A maximum of forty percent shall be awarded on  
20            the competitive examination. Consideration for the  
21            maximum award shall be equally divided between a written  
22            examination and the hands on performance of fire  
23            fighting evolutions.

24            FACTOR 3. PERSONAL INTERVIEW BY THE COMMISSION. A

25            maximum of ten percent shall be awarded for the personal  
26            interview. A personal qualification guide (resume) shall  
27            be presented to the Commission prior to the appearance  
28            of any member.

29            FACTOR 4. PAST PERFORMANCE. A maximum of twenty percent

30            shall be awarded for past performance. On initial  
31            implementation, all members shall receive credit for the  
32            full twenty percent for past performance. Thereafter,  
33            to prescribe the manner of determining a rating for past  
34            performance, the rules and regulations shall contain a  
35            provision requiring that performance ratings shall be

1 made every six months for each member of the Fire Depart-  
2 ment, not including the Fire Chief. Such ratings shall  
3 be made by the immediate superior officer of the member  
4 and shall be given to the member, in person, by that  
5 officer, so that the member has full knowledge of his  
6 rating. The member being rated shall affix his signature  
7 to his rating. The member's signature shall indicate  
8 full knowledge of the rating but shall not be construed  
9 as being an approval or a disapproval of the same. Such  
10 ratings shall then be submitted as a written report to  
11 the Fire Chief and the Commission for permanent file in  
12 their respective offices. Said report shall be made up  
13 of at least five descriptive areas, including quality of  
14 work, quantity of work, attitude toward work, relation-  
15 ship with people and the supervision of employees (if  
16 applicable). The report shall be used by the immediate  
17 superior officer for further evaluation. This evaluation  
18 shall be limited to overall description. It shall be  
19 further provided that the Fire Chief of the department  
20 shall allow any member to see their rating upon request.  
21 If then any member is dissatisfied with his rating, he  
22 may submit a written statement to be attached permanently  
23 to such report and may request a hearing with the  
24 Commission within thirty days of such rating being dis-  
25 closed to the member. The Commission shall then hear  
26 the case with the member and the immediate superior  
27 officer present. The Commission shall have the author-  
28 ity to affirm or increase the rating.

#### 30 SECTION 11.

##### 31 TIME REQUIREMENTS FOR PROMOTION.

32 In order for a member of the Fire Department to be con-  
33 sidered for promotion to a higher rank, the member shall have  
34 served as an active member of said department for the period of  
35 time and in the ranks as set forth below:

1 PRIVATE for a period of time not less than <sup>five</sup> ~~two~~ years.  
2 LIEUTENANT for a period of time not less than three  
3 years.

4 CAPTAIN for a period of time not less than two years.

5 In the event a vacancy occurs in any rank prior to  
6 three years from the date the first merit appointment is made, the  
7 Commission shall have the authority to fill that vacancy with  
8 the firefighter Most Qualified by reducing the time in rank require-  
9 ment as set forth above, such reduced time requirement to be not  
10 less than the elapsed time from the first merit appointment.

11 In order for any active member of the Fire Department to  
12 be appointed as an Administrative Appointee, he shall have served  
13 not less than eight years on the department.

14  
15 SECTION 12.

16 EXCEPTION TO THE TIME REQUIREMENT FOR PROMOTION.

17 There shall be no time in grade requirement for those  
18 officers who are to be placed in the specific ranks below that of  
19 Assistant Chief following the tests for promotion. When such  
20 tests are given again, such officers shall not have to return to  
21 lower ranks to satisfy the time in grade requirement; provided,  
22 however, they shall have the proper amount of seniority as set  
23 forth in Section 11.

24  
25 SECTION 13.

26 PROMOTION AND DEMOTION.

27 All promotion to any rank shall be made from the next  
28 immediate lower rank, except promotions to the rank of Fire Chief,  
29 Deputy Chief and Assistant Chief. The Board of Safety shall have  
30 the authority to promote to or demote from said ranks. Demotion  
31 from any of said ranks shall mean demotion from rank only and not  
32 removal from department, except in the case as from removal for  
33 cause. IC 18-1-11-3. While serving in any of the aforesaid ranks,  
34 a firefighter shall be eligible to increase his permanent rank one  
35 grade. If a firefighter serving in any of the aforesaid ranks

1 attains eligibility for such next higher grade, he shall accrue  
2 seniority in that grade while serving as Fire Chief, Deputy Chief  
3 or Assistant Chief. If such a firefighter desires to increase his  
4 permanent grade to the second higher level, he may do so, provided,  
5 however, that if he qualifies for promotion to such level, he is  
6 to resign his position as Fire Chief, Deputy Chief or Assistant  
7 Chief, and accept promotion in his permanent rank at such time as  
8 an opening occurs and he must serve in said rank for a minimum of  
9 six months before he may be appointed to the rank of Fire Chief,  
10 Deputy Chief or Assistant Chief.

11 Any firefighter demoted from the rank of Fire Chief,  
12 Deputy Chief or Assistant Chief shall be assigned to the last  
13 permanent rank he had attained through merit appointment in the  
14 division from which he was promoted.

15 In the event there are no openings in such last per-  
16 manent rank, the firefighter holding the least seniority in that  
17 rank immediately below will be demoted to the next lower rank  
18 until such a time as the next opening occurs in the rank from  
19 which he was demoted or any rank in between in the event his  
20 temporary demotion was more than one grade. If two or more per-  
21 sons hold the same seniority, the person with the lowest composite  
22 score in the testing for that rank shall be demoted. Provided,  
23 however, that if the bumping of personnel, caused by the demotion  
24 process as set forth above, should cause any Fire Department  
25 division to become overloaded with personnel, the Fire Chief shall  
26 cause excess personnel to be transferred to another division.

1 SECTION 14.

2 CONTINUING COMPETENCY.

3 SECTION 14A. For the purpose of determining the con-  
4 tinuing competency of officers holding merit appointments under  
5 this Ordinance, all such officers shall be retested every three  
6 years. If any such officer fails to attain a grade of an accepta-  
7 ble level as determined and announced prior to the test by the  
8 Commission, there shall be a period of up to sixty days following  
9 the grading of the tests in which he may retake the test in an  
10 effort to raise his grade. If at that time he again fails to  
11 attain an acceptable grade, he shall be demoted to the next lower  
12 rank and shall not be eligible for promotion until such a time as  
13 testing is conducted to determine eligibility for openings in the  
14 rank from which he was demoted.

15 SECTION 14B. Any officer holding an appointment under  
16 this Ordinance and any private may question the competency of  
17 any officer holding an appointment under this Ordinance by sub-  
18 mitting written charges in duplicate to the Fire Chief and to the  
19 Chairman of the Commission. The Fire Chief and the Chairman of  
20 the Commission shall examine such charges and refer them to the  
21 three immediate superiors of the individual being charged. The  
22 Fire Chief, the Chairman of the Commission and the three immediate  
23 superiors shall, within two weeks, hold a hearing with both the  
24 individual charged and the individual filing the charges being  
25 present. Each of the parties involved shall be entitled to sub-  
26 poena witnesses. The persons hearing the case shall make a  
27 judgment and said judgment shall be referred to the Commission as  
28 a body for further action as it may deem appropriate.

29 In the case of a Lieutenant, the three immediate super-  
30 iors shall be considered his Captain, Platoon Captain and Dis-  
31 trict Chief. In the case of a Captain, the three immediate  
32 superiors shall be considered his Platoon Captain, District  
33  
34  
35



1 Chief and Assistant Chief. In the case of a District Chief,  
2 the three immediate superiors shall be considered his Assistant  
3 Chief, Fire Chief and Commission Chairman. In each instance,  
4 those officers hearing any such charges shall be from the same  
5 shift as the officer being accused.

6  
7 SECTION 15.

8 GRIEVANCE PROCEDURE.

9 The nature of the fire service is such that serious  
10 grievances arise more often than in many other occupations, and  
11 personal frustration over the implementation of this Ordinance  
12 may increase the number of such grievances. This Section 15 is  
13 intended to provide an expeditious and equitable method of  
14 resolving such grievances.

15 Grievances which may arise, with the exception of those  
16 relating to competency as defined in Section 14B, shall be  
17 resolved in the manner set forth below. Likewise excluded from  
18 these procedures shall be all matters that apply to the annual  
19 compensation (salary) paid to Fire Department members as deter-  
20 mined through action of the Common Council.

21 STEP I: If a grievance does exist, the aggrieved party  
22 shall present, in writing, the grievance to the Chief of the  
23 Fire Department for adjustment.

24 STEP II: The Chief of the Fire Department shall meet  
25 with the aggrieved party within five business days. If within  
26 five business days from the date of the first meeting with the  
27 Fire Chief the grievance has not been mutually settled, it shall  
28 be submitted to the Chairman of the Board of Safety for considera-  
29 tion and mutual adjustment. The Chairman of the Board of Safety  
30 shall arrange to meet with the aggrieved party within five  
31 business days after receipt of such grievance. Within five  
32 business days following the first meeting with the Chairman of  
33 the Board of Safety, the Board shall give its written answer.

34 STEP III: In the event the aggrieved party is not  
35 satisfied with the answer of the Board of Safety of said grie-

1 vance and desires to take said grievance to arbitration, he  
2 shall notify the Chairman of the Board of Safety, in writing, of  
3 his intention to do so within ten business days after receipt of  
4 the answer of the Board of Safety to said grievance. The  
5 aggrieved party shall then immediately forward a written request  
6 to the American Arbitration Association to name a panel of three  
7 arbitrators from which an arbitrator shall be chosen. Upon  
8 receipt of panel, the employer and the aggrieved party each shall  
9 strike an arbitrator within two business days. In the event an  
10 arbitrator cannot be selected by the above process, the American  
11 Arbitration Association shall select the arbitrator. The conduct  
12 of the arbitration shall be governed by the rules of the American  
13 Arbitration Association. The findings of the arbitrator shall be  
14 final and binding on all parties, unless it is determined that  
15 said findings are in violation of Indiana law. The aggrieved  
16 party and the employer will share equally the costs for the  
17 services of the arbitrator.

#### 18 SECTION 16.

##### 19 THE INITIAL APPOINTMENTS.

20 No later than fifteen months after the adoption of this  
21 Ordinance, the Commission shall have held competitive examina-  
22 tions and interviews, open to all firefighters, for the purpose  
23 of determining the ratings of members of the Fire Department,  
24 the Commission shall have completed the seniority credit for  
25 each firefighter and the Commission shall have given each fire-  
26 fighter twenty percent credit for past performance, all as con-  
27 templated by Section 10 of this Ordinance. As soon as practica-  
28 ble after the completion of such competitive examinations and  
29 interviews, but in no event later than eighteen months after the  
30 adoption of this Ordinance, the Commission shall make individual  
31 appointments to each rank from Lieutenant through District Chief,  
32 each inclusive. Such appointments shall become effective at  
33 dates to be determined by the Commission but all such appoint-  
34 ments shall be effective no later than eighteen months after the  
35

1     adoption of this Ordinance.

2             Except in such cases as firefighters may be reappointed  
3     to the same ranks as they held prior to the initial appointments  
4     by the Commission described in the immediately preceding para-  
5     graph of this Ordinance, the making of such appointments shall  
6     effect the removal of all firefighters holding ranks below that  
7     of Assistant Chief from the respective ranks they held immediate-  
8     ly prior to such initial appointments, it being undesirable and  
9     unnecessary to have a duplication of rank.

10            Prior to the making of the initial appointments under  
11    this Ordinance, all officers of the Fire Department, with the  
12    exception of the Chief, shall retain their respective ranks;  
13    provided, however, that any such officer may be removed pursuant  
14    to IC 18-1-11-3 and provided, further, that, in the event any  
15    court of competent jurisdiction makes a determination that any for-  
16    mer officer was wrongfully demoted from his rank, such former  
17    officer shall be restored to his rank and an officer presently  
18    serving in such rank shall be removed.

19  
20    SECTION 17

21    BOARD OF PUBLIC SAFETY APPOINTMENTS

22  
23            Except as provided in Section 16 above, the Fire Chief  
24    shall continue to hold office at the discretion of the Board of  
25    Public Safety, and his qualifications shall not be subject to  
26    the examination procedures of the Commission. When appointing  
27    a Fire Chief, Deputy Chief, or Assistant Chief after the  
28    implementation of this Act, the Board of Public Safety must  
29    make said appointment from a member of the Fire Department with  
30    a permanent rank of not less than Captain. Promotions to the  
31    ranks of Fire Chief, Deputy Chief, and Assistant Chief shall be  
32    made by the Board of Public Safety from the active membership  
33    of the Fire Department provided that any member, in order to be  
34    eligible for appointment to any such rank of Fire Chief, Deputy  
35    Chief or Assistant Chief, shall be required to have served as

1 an active member of said department for not less than the period  
2 of time as set forth in Section 11, and in the ranks as set  
3 forth in Section 11 and provided, further, that he has attained  
4 the rank of Captain through the process of competitive  
5 examination.

6  
7 SECTION 18.

8 ESTABLISHMENT OF ENGINEER GRADE.

9 The Commission shall, within three years from the date  
10 of the implementation of this Act, establish the rank of Second  
11 Engineer and First Engineer to be filled through competitive  
12 examination.

13 A Second Engineer shall be that firefighter who is  
14 regularly assigned to drive and operate those pieces of Fire  
15 Department apparatus commonly referred to as aerial ladders,  
16 snorkels or elevated platforms.

17 A First Engineer shall be that firefighter who is  
18 regularly assigned to drive and operate those pieces of Fire  
19 Department apparatus commonly referred to as pumps, pumpers, or  
20 engines.

21  
22 SECTION 19.

23 FIRE PREVENTION BUREAU

24 The Assistant Chief of the Fire Prevention Bureau shall  
25 be appointed by the Board of Public Safety. In no event shall  
26 the Assistant Chief of the Fire Prevention Bureau be promoted  
27 to that rank from a grade lower than Captain.

28 All firefighters shall be given the opportunity to  
29 participate in a competitive examination to determine a permanent  
30 grade level in the Fire Prevention Bureau, provided that they  
31 have not less than five years of service on the Fire Department  
32 regardless of the division to which they were previously assigned.

33 There shall be no time in grade requirement for Fire  
34 Department personnel testing for the Fire Prevention Bureau.

35 That firefighter serving as Fire Prevention Bureau

1 Assistant Chief, at the time this Ordinance becomes effective,  
2 shall be eligible to participate in any such testing to determine  
3 the permanent grade to which he shall be assigned on his demotion.  
4 In no event shall the Assistant Chief of the Fire Prevention  
5 Bureau be demoted to a grade lower than that from which he was  
6 promoted, provided that grade was attained through merit testing.

7 The method of rating and promotion of firefighters  
8 testing for the Fire Prevention Bureau shall be as outlined in  
9 Section 10, with the exception that no hands on performance of  
10 Fire Department evolutions shall be required. A maximum of forty  
11 percent shall be awarded on the competitive examination for the  
12 Fire Prevention Bureau.

13 After testing, a list shall be compiled by the Commis-  
14 sion of the total composite scores. That firefighter awarded  
15 the highest composite score shall appear at the top of said list  
16 and shall be deemed first eligible. The names of all other Fire  
17 Department members tested for the Fire Prevention Bureau shall  
18 appear in order of their total composite scores.

19 The Fire Department member deemed first eligible shall  
20 be named Deputy Chief of the Fire Prevention Bureau.

21 The remaining Fire Department members deemed eligible  
22 for promotion shall be awarded the rank of Platoon Captain in  
23 order of their composite scores, and in sufficient numbers to  
24 fill all available openings for that rank as are allocated to  
25 that division at that time.

26 After a sufficient number of eligibles have been placed  
27 in the rank of Platoon Captain to fill all available openings,  
28 the remaining eligibles shall be awarded the next lower rank in  
29 sufficient numbers to fill all openings for that rank as are  
30 allocated to that division at that time.

31 A similar procedure shall be employed until all allo-  
32 cated ranks are filled with eligibles from those Fire Department  
33 members tested.

34 The Fire Chief may, at his discretion, assign medically  
35 disabled Fire Department members to the Fire Prevention Bureau

1 on a temporary or permanent basis; provided that the medically disabled  
2 member shall not displace or otherwise cause to be removed any Fire  
3 Prevention Bureau Officer who has attained rank through merit testing.  
4

5 SECTION 20. -

6 TRAINING DIVISION.

7 The Assistant Chief of the Training Division shall be appointed  
8 by the Board of Public Safety. In no event shall the Assistant Chief  
9 of the Training Division be promoted to that rank from a grade lower  
10 than Captain.

11 All firefighters shall be given the opportunity to participate  
12 in testing for a permanent grade level in the Training Division, provided  
13 that they have not less than five years of service on the Fire Department,  
14 regardless of the division on which they were previously assigned.

15 There shall be no time in grade requirement for the firefighters  
16 testing for the Training Division. That individual serving as Training  
17 Division Assistant Chief at the time this Ordinance becomes effective  
18 shall be eligible to participate in any such testing to determine the  
19 permanent grade to which the member shall be assigned upon his demotion.

20 The Training Division Assistant Chief shall not be demoted to a grade  
21 lower than the last permanent rank attended.

22 The method of rating and promotion of Fire Department members  
23 testing for the Training Division shall be as outlined in Section 10 with  
24 the hands on performance relating to the teaching of a given assignment.  
25 After testing, a list shall be compiled by the Commission of the total  
26 composite scores. That Fire Department member awarded the highest composite  
27 score shall appear at the top of said list and shall be deemed first  
28 eligible. The names of all other Fire Department members tested for the  
29 Training Division shall appear in order of their total composite scores.

30 The Fire Department member deemed first eligible for promotion  
31 shall be awarded the rank of Platoon Captain, Training Division.  
32  
33  
34  
35

1  
2  
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5  
6 The remaining members deemed eligible for promotion shall fill all available  
7 openings for that division as are allotted to that division at that time.  
8

9 SECTION 21.

10 FIRE SHOP.

11 The Master Mechanic of the Fire Shop shall be appointed by the Board  
12 of Public Safety. The Platoon Captain of the Fire Shop shall be an  
13 administrative appointee. The Fire Shop shall be comprised of the  
14 following ranks: Master Mechanic, Platoon Captain, Captain, Lieutenant and  
15 Private. Privates shall serve not less than one year in the Fire Shop to be  
16 eligible for promotion to Captain in the Fire Shop. Platoon Captain shall  
17 come from the Captain's rank within the Fire Shop. For the purpose of  
18 evaluating Fire Shop personnel below the rank of Platoon Captain, Section 10  
19 shall apply. Said evaluations to be made by the Fire Shop Platoon Captain  
20 and the Master Mechanic. In the case of the Fire Shop Platoon Captain, the  
21 Master Mechanic shall make the required evaluation.

22 From the effective date of this Act, all new Fire Shop personnel  
23 shall be required to have five years aggregate previous experience, educational  
24 and practical, in all of the following fields: light mechanics, heavy  
25 truck mechanics, hydraulics, welding and diesel. All Fire Shop personnel  
26 shall be required to attend the Fire Department Training Academy.  
27

28 SECTION 22.

29 RATINGS AND PROMOTIONS SUBJECT TO RULES AND REGULATIONS.

30 All ratings and promotions made by the Commission shall be subject  
31 to the rules and regulations of the Commission, and to the statutes of the  
32 State of Indiana.  
33  
34  
35

1 SECTION 23.

2 POLITICAL INVOLVEMENT.

3 Firefighters coming under the provisions of this Act  
4 are not required to contribute to any political fund or render  
5 any political service to any person or party whatsoever; and no  
6 person shall be removed, reduced in classification or salary,  
7 or otherwise prejudiced by refusing to do so; and any official  
8 coming under the provisions of this Act who attempts same shall  
9 be guilty of violating the provisions of this Act and upon  
10 conviction shall be punished by a fine of Five Hundred Dollars  
11 (\$500.00).

12  
13 SECTION 24.

14 EFFECTIVE DATE.

15 This Act shall be effective on its adoption.

16  
17 SECTION 25.

18 SEVERABILITY.

19 If any section, clause, sentence, paragraph, part or  
20 provision of this Ordinance shall be held invalid by any court,  
21 it shall be conclusively presumed that this Ordinance would have  
22 been passed by the Common Council without such invalid section,  
23 clause, sentence, paragraph, part or provision.

24  
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35  
\_\_\_\_\_  
Councilman



Read the first time in full and on motion by \_\_\_\_\_, seconded by

\_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	6	2	1		
BURNS	X				
HINGA	X				
HUNTER		X			
MOSES	X				
NUCKOLS			X		
SCHMIDT, D.		X			
SCHMIDT, V.	X				
STIER	X				
TALARICO	X				

DATE: 11-22-77

Charles M. Tuttleman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 2-41-77 on the 22nd day of November, 1977

ATTEST: (SEAL)

Charles M. Tuttleman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the

day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Charles M. Tuttleman  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

*Hold until Oct 18  
Committee session*

Bill No. G-77-07-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
to Establish a Fire Merit Commission for Fort Wayne Fire Department

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance NO PASS. *as amended*

VIVIAN G. SCHMIDT - CHAIRMAN

*Vivian G. Schmidt*

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

*Winfield C. Moses, Jr.*

WILLIAM T. HINGA

*William T. Hinga*

DONALD SCHMIDT

SAMUEL J. TALARICO

*Samuel J. Talarico*

11-8-77 CONCURRED IN  
DATE 11-8-77 CHARLES W. WESTERMAN, CITY CLERK

I received Mayor Armstrong's Veto Message of  
Bill No. G-77-07-29 (as amended), General Or-  
dinance No. G-41-77, at 3:00 p.m. November 18,  
1977.

Charles W. Elusterman  
Signature  
Office of the City Clerk

AN ORDINANCE TO ESTABLISH A FIRE MERIT COMMISSION FOR  
FORT WAYNE FIRE DEPARTMENT

SECTION 1.

DEFINITIONS AS USED HEREIN.

THE WORDS "BOARD" AND "BOARD OF SAFETY" SHALL REFER TO THAT AGENCY KNOWN AS THE "BOARD OF PUBLIC SAFETY" AND AS THE "BOARD OF COMMISSIONERS OF THE DEPARTMENT OF SAFETY".

THE WORD "CHIEF" SHALL REFER TO THE FIRE CHIEF, WITHIN AND FOR THE CITY OF FORT WAYNE, INDIANA.

THE WORD "CITY" SHALL REFER TO THE CITY OF FORT WAYNE, INDIANA.

THE WORD "COMMON COUNCIL" AND "COUNCIL" SHALL REFER TO THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

THE WORD "FIRE DEPARTMENT" SHALL REFER TO THE FORT WAYNE FIRE DEPARTMENT.

THE WORD "MAYOR" SHALL REFER TO THE MAYOR OF THE CITY OF FORT WAYNE, INDIANA.

THE WORD "MEMBER" SHALL REFER TO ANY ACTIVE MEMBER OF THE FORT WAYNE FIRE DEPARTMENT, EXCLUDING THOSE MEMBERS WHO ARE ASSIGNED TO THE DEPARTMENT OF TRAFFIC ENGINEERING AND/OR THE COMMUNICATIONS DEPARTMENT OF THE CITY OF FORT WAYNE, INDIANA.

THE WORD "COMMISSIONER" SHALL REFER TO ANY MEMBER OF THE FIRE DEPARTMENT MERIT COMMISSION.

THE WORD "COMMISSION" SHALL REFER TO THE FIRE DEPARTMENT MERIT COMMISSION AS PROVIDED FOR HEREINAFTER.

THE MASCULINE SHALL INCLUDE THE FEMININE AND THE NEUTER AND THE NEUTER SHALL INCLUDE THE FEMININE AND MASCULINE.

THE WORD "FIREFIGHTER" SHALL INCLUDE ALL ACTIVE MEMBERS OF THE FORT WAYNE FIRE DEPARTMENT, EXCLUDING THOSE MEMBERS WHO ARE ASSIGNED TO THE DEPARTMENT OF TRAFFIC ENGINEERING AND/OR THE COMMUNICATIONS DEPARTMENT OF THE CITY OF FORT WAYNE, INDIANA.

THE WORD "IMPLEMENTED" SHALL REFER TO THE DATE ON WHICH THE FIRST MERIT APPOINTED OFFICER IS NAMED.

THE WORD "UNION" SHALL REFER TO THE LABOR ORGANIZATION SELECTED BY A MAJORITY OF THE ACTIVE MEMBERS OF THE FORT WAYNE FIRE DEPARTMENT.

1     SECTION 2. "COMMISSION, HOW ESTABLISHED"

2             WITHIN NINETY (90) DAYS AFTER THE EFFECTIVE DATE OF THIS  
3     ACT, THE FIRE MERIT COMMISSION, FOR THE FIRE DEPARTMENT OF FORT  
4     WAYNE, INDIANA, SHALL BE APPOINTED AS HEREINAFTER PROVIDED.  
5     THE FIRE MERIT COMMISSION OF THE FIRE DEPARTMENT, HEREINAFTER  
6     REFERRED TO AS THE MERIT COMMISSION, SHALL CONSIST OF FIVE (5)  
7     MEMBERS, NO MORE THAN THREE (3) OF WHOM SHALL BE OF THE SAME  
8     POLITICAL AFFILIATION, AND NO MORE THAN TWO (2) OF WHOM SHALL  
9     BE FROM THE RETIRED LIST OF THE FORT WAYNE FIRE DEPARTMENT.  
10    THE MEMBERS OF THE COMMISSION SHALL BE LEGAL RESIDENTS OF THE  
11    CITY OF FORT WAYNE, INDIANA, AND SHALL BE PERSONS OF GOOD  
12    MORAL CHARACTER. THE MEMBERS OF THE MERIT COMMISSION SHALL  
13    BE DRAWN FROM A BROAD CROSS SECTION OF PERSONS REPRESENTATIVE  
14    OF THE CITIZENS OF THE CITY OF FORT WAYNE AND WHO HAVE AN  
15    INTEREST IN, OR A KNOWLEDGE AND UNDERSTANDING OF THE VARIOUS  
16    PHASES OF THE FIRE SERVICE, AS PERFORMED BY THE FIRE DEPART-  
17    MENT OF FORT WAYNE. THE MEMBERS OF THE COMMISSION SHALL  
18    BE APPOINTED AS FOLLOWS: THE ACTIVE MEMBERS OF THE FIRE  
19    DEPARTMENT SHALL MAKE TWO (2) APPOINTMENTS TO THE MERIT  
20    COMMISSION, ONE FROM EACH OF THE TWO (2) MAJOR POLITICAL  
21    PARTIES. AT THE TIME OF THE ELECTION, EACH ACTIVE MEMBER OF  
22    THE FIRE DEPARTMENT SHALL HAVE THE RIGHT TO VOTE FOR ONE (1)  
23    CANDIDATE FROM EACH OF THE TWO (2) MAJOR POLITICAL PARTIES.  
24    THE MAYOR OF THE CITY OF FORT WAYNE SHALL THEN MAKE ONE (1)  
25    APPOINTMENT TO THE MERIT COMMISSION, AFTER WHICH, THE COMMON  
26    COUNCIL OF THE CITY OF FORT WAYNE SHALL MAKE ONE (1) APPOINT-  
27    MENT TO THE MERIT COMMISSION FROM THE OTHER POLITICAL PARTY.  
28    THESE FOUR (4) PERSONS WILL SELECT A FIFTH MEMBER BY UNANIMOUS  
29    VOTE. IN THE FIRST INSTANCE OF THE TWO (2) MEMBERS TO BE  
30    ELECTED AND APPOINTED BY THE ACTIVE MEMBERS OF THE FIRE DEPART-  
31    MENT, ONE (1) SHALL SERVE FOR A TERM OF TWO (2) YEARS, AND ONE (1)  
32    SHALL SERVE FOR A TERM OF TWO (2) YEARS, AND ONE (1) SHALL SERVE  
33    FOR A TERM OF FOUR (4) YEARS, SUCH DETERMINATION DEPENDENT ON THE  
34    TWO (2) PERSONS RECEIVING THE GREATEST NUMBER OF VOTES IN THE  
35    ELECTION BY THE ACTIVE MEMBERS OF THE FIRE DEPARTMENT. THE  
   CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES, OF THE TWO (2)

1 CANDIDATES, WILL SERVE THE FOUR (4) YEAR TERM, THE OTHER WILL  
2 SERVE THE TWO (2) YEAR TERM. IN THE INSTANCE OF THE APPOINTMENT  
3 BY THE MAYOR, THAT ONE (1) MEMBER SHALL SERVE FOR A TERM OF ONE  
4 (1) YEAR. THE APPOINTMENT MADE BY THE COMMON COUNCIL SHALL  
5 SERVE FOR A TERM OF THREE (3) YEARS. THE FIFTH MEMBER, SELECTED  
6 BY UNANIMOUS VOTE OF THE OTHER FOUR (4), SHALL SERVE ON SAID  
7 COMMISSION FOR A TERM OF FOUR (4) YEARS. THEREAFTER, THE TERMS  
8 OF THE MERIT COMMISSION SHALL BE FOR A TERM OF FOUR (4) YEARS.

9 FOR THE PURPOSE OF SELECTING POTENTIAL CANDIDATES TO SERVE  
10 ON THE MERIT COMMISSION REPRESENTING THE ACTIVE MEMBERS OF THE  
11 FIRE DEPARTMENT, THERE SHALL BE A NOMINATING COMMITTEE FROM  
12 EACH OF THE TWO (2) MAJOR POLITICAL PARTIES. SUCH NOMINATING  
13 COMMITTEES SHALL CONSIST OF FIVE (5) MEMBERS FROM EACH OF THE  
14 TWO (2) MAJOR POLITICAL PARTIES.

15 THE BOARD OF PUBLIC SAFETY SHALL DESIGNATE A PERIOD OF TEN  
16 (10) DAYS IN WHICH TO CALL FOR AND RECEIVE THE NAMES OF ANY  
17 ACTIVE MEMBER WHO WISHES TO SERVE ON EITHER OF THE TWO (2)  
18 NOMINATING COMMITTEES. ANY SUCH MEMBER WHO WISHES TO SERVE  
19 SHALL MAKE APPLICATION TO THE BOARD, IN WRITING, WITHIN THE  
20 DESIGNATED PERIOD. A STATEMENT OF THE MEMBERS POLITICAL  
21 AFFILIATION SHALL ACCOMPANY THEIR APPLICATION TO THE BOARD.

22 AT THE CLOSE OF THE TEN (10) DAY PERIOD, THE BOARD SHALL  
23 COMPIL A LIST FOR EACH OF THE TWO (2) MAJOR POLITICAL PARTIES  
24 SHOWING ALL THE NAMES OF THOSE WISHING TO SERVE ON THE NOMI-  
25 NATING COMMITTEE OF THEIR RESPECTIVE PARTY. A MEETING SHALL  
26 THEN BE CALLED BY THE BOARD FOR EACH OF THE TWO (2) PARTIES,  
27 WITH ALL THOSE WHOSE NAMES HAVE BEEN RECEIVED BEING NOTIFIED  
28 TO ATTEND. IF THE NUMBER OF APPLICANTS EXCEEDS FIVE (5), AN  
29 ELECTION SHALL BE HELD, AMONG THOSE APPLICANTS PRESENT, BY  
30 SECRET BALLOT, TO REDUCE THE LIST TO THE REQUIRED FIVE (5)  
31 MEMBERS.

32 IT SHALL BE THE RESPONSIBILITY OF EACH NOMINATING COM-  
33 MITTEE TO CANVAS THE COMMUNITY FOR CANDIDATES TO SERVE AS THEIR  
34 RESPECTIVE PARTY'S REPRESENTATIVE ON THE FIRE MERIT COMMISSION.  
35 WHEN SELECTED, THE NAMES OF THE CANDIDATES SHALL BE PLACED ON

1        BALLOTS TO BE USED IN THE ELECTION AS PROVIDED FOR HEREINAFTER.

2                EACH NOMINATING COMMITTEE SHALL ORGANIZE ITSELF WITH A  
3        CHAIRPERSON AND A VICE-CHAIRPERSON FOR THE PURPOSE OF CORRE-  
4        LATING THE EFFORTS OF ITS COMMITTEE.

5                THE APPOINTMENTS BY THE ACTIVE MEMBERS OF THE FIRE DEPART-  
6        MENT SHALL BE MADE AT MEETINGS HELD ON TWO (2) CONSECUTIVE DAYS,  
7        CALLED FOR SUCH PURPOSE BY THE BOARD OF PUBLIC SAFETY, HEREIN-  
8        AFTER CALLED THE BOARD. THE BOARD SHALL GIVE AT LEAST THREE  
9        (3) WEEKS NOTICE OF SAID MEETINGS TO ALL ACTIVE MEMBERS OF THE  
10       FIRE DEPARTMENT BY POSTING A COPY OF THE NOTICE IN ALL FIRE  
11       COMPANY LOCATIONS, AND BY SENDING EVERY ACTIVE MEMBER OF THE  
12       FIRE DEPARTMENT A NOTICE INDICATING THE TIME AND PLACE OF SAID  
13       MEETINGS. NO ONE SHALL BE ENTITLED TO BE PRESENT AT THE  
14       MEETINGS AND EXERCISE THE RIGHT TO VOTE UNLESS HE IS AN  
15       ACTIVE MEMBER OF THE FIRE DEPARTMENT. EACH OF THE NOMINATING  
16       COMMITTEES, AS PROVIDED FOR ABOVE, SHALL CHOOSE FROM THEIR OWN,  
17       ONE MEMBER EACH TO SERVE AS CO-CHAIRPERSON OF THE ELECTION.  
18       THESE CO-CHAIRPERSONS SHALL HAVE CHARGE OF THE CONDUCT OF THE  
19       ELECTION. VOTING SHALL BE BY SECRET BALLOT AND THE TWO (2) PER-  
20       SONS RECEIVING THE GREATEST NUMBER OF VOTES, INCLUDING ALL  
21       VOTES BY PROXY, SHALL BE NAMED AS MEMBERS OF THE MERIT COM-  
22       MISSION REPRESENTING THE ACTIVE MEMBERS OF THE FIRE DEPARTMENT.  
23       MEMBERS OF THE FIRE DEPARTMENT WHO ARE UNABLE TO ATTEND EITHER  
24       SUCH MEETING MAY VOTE BY WRITTEN PROXY. THIS PROXY MUST BE  
25       NOTARIZED AND PUT INTO A SEALED ENVELOPE AND SENT TO THE CO-  
26       CHAIRPERSONS OF THE ELECTION PRIOR TO THE ELECTION, TO BE  
27       OPENED BY THE CO-CHAIRPERSONS, IMMEDIATELY AFTER THE COUNTING  
28       OF THE BALLOTS AT SAID MEETINGS. THE RESULTS OF THE ELECTION  
29       SHALL BE TABULATED AND FILED WITH THE CLERK OF THE CITY.

30                PERSONS SHALL BE INELIGIBLE TO SERVE AS A MEMBER OF THE  
31       MERIT COMMISSION IF THEY HOLD A FULL TIME POLITICAL APPOINTMENT,  
32       OR HAVE HELD ANY FULL TIME POLITICAL APPOINTMENT IN THE PRE-  
33       CEDING FOUR (4) YEARS.

34                EVERY MEMBER APPOINTED OR ELECTED TO THE COMMISSION SHALL  
35       TAKE AND SUBSCRIBE TO AN OATH THAT THEY WILL CONSCIENTIOUSLY



1 AND FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE. SAID OATH  
2 SHALL BE FILED WITH THE CLERK OF THE CITY.

3 SECTION 3. REMOVAL

4 ANY COMMISSION MEMBER MAY BE REMOVED FOR WRITTEN CAUSE BY  
5 THE APPOINTING OR ELECTING BODY, OR IF THEY OTHERWISE BECOME  
6 INELIGIBLE FOR REASONS OF RESIDENCY OR POLITICAL ACTIVITY.

7 SECTION 4. COMPENSATION

8 EACH OF THE FIVE (5) MEMBERS OF THE COMMISSION MAY BE PAID  
9 A PER DIEM ALLOWANCE FOR EACH DAY OF ACTUAL SERVICE IN AN  
10 AMOUNT NOT TO EXCEED FIFTY (50) DOLLARS PER DAY SUBJECT TO  
11 THE APPROVAL OF THE MAYOR AND THE COMMON COUNCIL, AND IN  
12 ADDITION, THE MEMBERS MAY BE PAID A SALARY, NOT TO EXCEED  
13 FIVE-HUNDRED DOLLARS (\$500) PER YEAR FOR EACH MEMBER, SUBJECT  
14 TO THE APPROVAL OF THE MAYOR AND THE COMMON COUNCIL.

15 SECTION 5. FILLING UNEXPIRED TERM

16 THE UNEXPIRED TERM FOR ANY REASON, INCLUDING DEATH,  
17 SICKNESS OR RESIGNATION, OF ANY MEMBER OF THIS COMMISSION,  
18 SHALL BE FILLED IN THE SAME MANNER AS THE APPOINTMENTS OF THE  
19 MEMBERS OF THE COMMISSION WHOSE TERMS HAVE EXPIRED.

20 SECTION 6. MEETINGS AND QUORUM

21 THREE (3) MEMBERS OF THE COMMISSION SHALL CONSTITUTE A  
22 QUORUM FOR THE TRANSACTION OF ALL OFFICIAL BUSINESS. ALL  
23 OFFICIAL BUSINESS MAY BE TRANSACTED ONLY FORMALLY AND AFTER  
24 EACH MEMBER OF THE COMMISSION HAS BEEN NOTIFIED OF THE TIME  
25 AND PLACE OF THE MEETING BY CERTIFIED MAIL, RETURN RECEIPT  
26 REQUESTED, OR BY ANY OTHER SUCH MEANS AS MAY BE AGREED UPON  
27 UNANIMOUSLY BY ALL COMMISSION MEMBERS.  
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1     SECTION 7. "ESTABLISHMENT OF RULES AND REGULATIONS AND OFFICERS.

2             SUCH COMMISSION SHALL ESTABLISH RULES AND REGULATIONS TO  
3     IMPLEMENT THE PROVISIONS OF THIS ACT AFFECTING HIRING, RATING  
4     AND PROMOTION OF ALL FIRE DEPARTMENT MEMBERS BELOW THE RANK OF  
5     ASSISTANT CHIEF, BUT WHICH SHALL NOT, IN ANY WAY, LIMIT OR CIR-  
6     CUMSCRIBE THE POWERS AND DUTIES DELEGATED TO THE BOARD OF PUBLIC  
7     SAFETY RELATING TO ANY MATTERS OTHER THAN THE HIRING, RATING,  
8     AND PROMOTION OF ANY ACTIVE MEMBER OF THE FIRE DEPARTMENT.  
9     BEFORE ANY RULES AND REGULATIONS, AS PROVIDED IN THIS SECTION,  
10    SHALL BE ADOPTED BY THE COMMISSION, THE COMMISSION SHALL PRO-  
11    VIDE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE PRO-  
12    POSED RULES AND REGULATIONS. THE COMMISSION, AT LEAST TEN (10)  
13    DAYS PRIOR TO THE FIXED DATE FOR SUCH PUBLIC HEARING, SHALL  
14    CAUSE A NOTICE OF THE HEARING TO BE PUBLISHED IN TWO (2) NEWS-  
15    PAPERS OF GENERAL CIRCULATION IN THE CITY OF FORT WAYNE, INDIANA.  
16    THE NOTICE SHALL CONTAIN AN ANNOUNCEMENT OF THE TIME AND PLACE  
17    OF THE HEARING AND A RESUME OF THE SUBJECT MATTER OF THE PROPOSED  
18    RULES AND REGULATIONS. AT LEAST TEN (10) DAYS PRIOR TO THE  
19    HEARING, ONE COPY OF THE PROPOSED RULES AND REGULATIONS SHALL BE  
20    PLACED ON FILE IN THE OFFICE OF THE CITY CLERK AND SHALL BE OPEN  
21    TO INSPECTION TO ANY CITIZEN OF SUCH CITY, AND ADDITIONAL COPIES  
22    OF THE PROPOSED RULES AND REGULATIONS SHALL BE FORWARDED TO EACH  
23    FIRE COMPANY. AT THE HEARING, ANY LEGAL RESIDENT OF SAID CITY,  
24    AS WELL AS ANY ACTIVE MEMBER OF THE FIRE DEPARTMENT SHALL BE AF-  
25    FORDDED THE OPPORTUNITY TO BE HEARD ON ANY MATTER RELATIVE TO THE  
26    ADOPTION OF THE PROPOSED RULES AND REGULATIONS, AND SHALL BE AL-  
27    LOWED TO PRESENT EITHER WRITTEN OR ORAL TESTIMONY. ALL TESTIMONY  
28    SO PRESENTED SHALL BE GIVEN DUE CONSIDERATION BY THE COMMISSION  
29    IN MAKING ITS FINAL DECISION ON ADOPTING THE PROPOSED RULES AND  
30    REGULATIONS. THE COMMISSION SHALL BE AUTHORIZED TO ELECT, FROM  
31    ITS MEMBERS, A CHAIRMAN, VICE-CHAIRMAN AND A SECRETARY, FOR A  
32    ONE (1) YEAR TERM. THE SECRETARY OF THE COMMISSION SHALL MAKE  
33    AND KEEP A PERMANENT RECORD OF ITS PROCEEDINGS. THE COMMISSION  
34    SHALL BE AUTHORIZED AND DIRECTED TO PREPARE AND ADOPT RULES AND  
35    REGULATIONS GOVERNING: ONE, THE HIRING OF PERSONS TO BE EMPLOYED

1 AS MEMBERS OF THE FIRE DEPARTMENT; TWO, THE RATING OF PERSONS  
2 EMPLOYED AS ACTIVE MEMBERS OF THE FIRE DEPARTMENT; AND THREE,  
3 THE PROMOTING OF MEMBERS OF THE FIRE DEPARTMENT UP TO AND IN-  
4 CLUDING THE RANK OF DISTRICT CHIEF, FROM THE NEXT LOWER RANK.

5 DUPLICATE PERSONNEL FILES AND RECORDS INVOLVING INDIVIDUAL  
6 MEMBERS OF THE FIRE DEPARTMENT ARE TO BE MAINTAINED IN LOCKED  
7 FILES IN THE OFFICE OF THE FIRE CHIEF AND IN THE OFFICE OF THE  
8 COMMISSION. THESE RECORDS ARE TO BE USED ONLY BY THE FIRE CHIEF  
9 AND THE COMMISSION OR THEIR AUTHORIZED REPRESENTATIVES. ANY  
10 INDIVIDUAL FIREFIGHTER, OR HIS AUTHORIZED REPRESENTATIVE, MAY  
11 EXAMINE HIS OWN FILE. THESE ARE NOT PUBLIC RECORDS.

12 ALL TEST MATERIAL SHALL BE THE PROPERTY OF THE COMMISSION.  
13 ANY UNAUTHORIZED DISTRIBUTION OF SUCH MATERIAL SHALL BE PUNISH-  
14 ABLE, UPON CONVICTION, BY A FINE EQUAL TO THE MAXIMUM AMOUNT THAT  
15 MAY BE LEVELED BY THE COMMON COUNCIL UNDER STATE STATUTE, ONE  
16 THOUSAND (1,000) DOLLARS.

17 SECTION 8. HIRING

18 THE COMMISSION SHALL CAUSE TO BE TESTED, IN A MANNER IT  
19 DETERMINES ALL APPLICANTS FOR THE FORT WAYNE FIRE DEPARTMENT.  
20 THE COMMISSION SHALL ESTABLISH AND MAINTAIN A LIST OF ELIGIBLE  
21 CANDIDATES BASED ON THE RESULTS OF THESE TESTS, THOSE SCORING  
22 HIGHEST TO BE PLACED AT THE HEAD OF THE LIST. AS OPENINGS OCCUR  
23 IN THE DEPARTMENT, THE COMMISSION SHALL SUPPLY THE BOARD OF PUB-  
24 LIC SAFETY WITH A LIST OF ELIGIBLE CANDIDATES ON A RATIO OF  
25 APPLICANTS TO OPENINGS OF NO GREATER THAN ONE AND SIX TENTHS  
26 (1.6) OR NO LESS THAN ONE AND FIVE TENTHS (1.5), (3 TO 2 RATIO  
27 OR THE NEXT HIGHEST MULTIPLE). IN THE EVENT OF ONE (1) OPENING,  
28 TWO (2) APPLICANTS WILL BE PROVIDED.

29 SECTION 9. JOB DESCRIPTION

30 FIRE CHIEF:	RESPONSIBLE FOR THE OVERALL SUPERVISION AND
31	CONTROL OF THE FIRE DEPARTMENT WHICH INCLUDES
32	DEVELOPMENT OF POLICY AND PROCEDURES, BUDGET
33	PREPARATION, PERSONNEL ADMINISTRATION, DIS-
34	CIPLINE, PUBLIC RELATIONS AND FIRE SCENE
35	COMMAND, MONITORING THE FIRE DEPARTMENT RADIO

1		FREQUENCY AND NORMALLY ON CALL AT ALL TIMES.
2	DEPUTY CHIEF:	RESPONSIBLE FOR OVERALL SUPERVISION WHEN THE
3		CHIEF IS OUT OF TOWN OR INCAPACITATED. HE
4		HANDLES ROUTINE DAY TO DAY DUTIES. IN CHARGE
5		OF BUILDINGS AND GROUNDS OF THE FIRE STATIONS.
6		PREPARATION AND SUPERVISION OF BUDGETS AND
7		ACCOUNTING. IN CHARGE OF PERSONNEL AND
8		RECORDS; OVERALL CONTROL OF OFFICES AND RE-
9		SPECTIVE PERSONNEL. SECOND LEVEL OF COMMAND.
10	ASSISTANT CHIEF:	SENIOR OFFICER ON DUTY IN COMBAT DIVISION, A,
11		B, OR C-SHIFTS. EXERCISES FIELD CONTROL OF
12		SHIFT ASSIGNED TO. IN CHARGE OF FIRE SCENE
13		UNLESS RELIEVED BY THE CHIEF OR DEPUTY CHIEF.
14		THIRD LEVEL COMMAND.
15	ASSISTANT CHIEF	RESPONSIBLE TO THE FIRE CHIEF FOR THE MAIN-
16	FIRE SHOP:	TENANCE SHOP, THE MECHANICAL CONDITION AND
17		MAINTENANCE OF ALL FIRE DEPARTMENT VEHICLES,
18		APPARATUS, TOOLS AND EQUIPMENT, INCLUDING
19		THE REPAIR AND TESTING OF SUCH EQUIPMENT.
20	ASSISTANT CHIEF	HE IS IN CHARGE OF ALL PHASES OF PERSONNEL
21	TRAINING DIVISION:	TRAINING, RECRUIT TRAINING, AND MAINTAINING
22		RECORDS. HE IS IN CHARGE OF THE TRAINING
23		ACADEMY.
24	ASSISTANT CHIEF	SUPERVISES RECORD SECTION OF THE FIRE DEPART-
25	FIRE PREVENTION	MENT CONSISTING OF FIRE DEPARTMENT RUNS,
26	BUREAU:	EMERGENCY MEDICAL SERVICE RUNS, COMPLETION OF
27		STATE FIRE MARSHAL FIRE REPORT FORMS AND
28		MONTHLY REPORT FORMS. SUPERVISES THE INSPEC-
29		TIONS REQUIRED BY LAW OF ALL COMMERCIAL,
30		INDUSTRIAL, MERCANTILE, ETC. BUILDINGS IN THE
31		CORPORATE LIMITS INCLUDING RESPONSIBILITY OF
32		STATE ARTICLE VII CODES CONCERNING EXITWAYS,
33		AISLEWAYS, LIFE SAFETY, ETC. SUPERVISES THE
34		ACTIVITIES OF INSPECTORS IN THE FIELD OF FIRE
35		SAFETY EDUCATION OF SCHOOL CHILDREN, SENIOR

1 CITIZENS, SERVICE ORGANIZATIONS, BOY SCOUT  
2 TROOPS, ETC. RECOMMENDS TO THE ADMINISTRA-  
3 TION ANY ADDITIONS OR CHANGES TO THE FIRE  
4 PREVENTION CODE. SUPERVISES THE INVESTIGA-  
5 TIONS OF ANY SUSPECTED ARSON AND OTHER  
6 ACTIVITIES DONE BY THE INVESTIGATIVE SECTION.  
7 SOME PUBLIC RELATIONS WORK FOR THE DEPARTMENT,  
8 SUCH AS PREPARING NEW RELEASES, PUBLIC  
9 APPEARANCES ON TELEVISION, AND PUBLIC SPEAK-  
10 ING ENGAGEMENTS.

11 DISTRICT CHIEF:

12 THE DISTRICT CHIEFS RESPOND TO ALL FIRE ALARMS  
13 IN HIS PORTION OF THE CITY EXCEPT "STILLS".  
14 THEY TAKE INITIAL COMMAND OF A FIRE SCENE AND  
15 SUPERVISE FIRE EXTINGUISHING OPERATIONS BY  
16 THE VARIOUS FIRE COMPANIES ON THE SCENE. IF  
17 THE ASSISTANT CHIEF RESPONDS TO THE FIRE SCENE,  
18 THE DISTRICT CHIEF RELINQUISHES COMMAND.  
19 THEY SHALL NOTIFY THE FIRE PREVENTION BUREAU  
20 IF ARSON IS SUSPECTED, OR IF THE FIRE CAUSE  
21 IS UNDETERMINED. THEY SHALL ALSO VISIT EACH  
22 FIRE STATION UNDER THEIR COMMAND EVERY DAY,  
23 IF PRACTICAL.

24 DISTRICT CHIEF  
(DEPUTY CHIEF)

25 WORKS WITH THE FIRE PREVENTION ASSISTANT CHIEF.

26 FIRE PREVENTION

27 DURING THE ABSENCE OF THE FIRE PREVENTION

28 BUREAU:

29 ASSISTANT CHIEF, HE ASSUMES HIS DUTIES.

30 PLATOON CAPTAIN

31 THE PLATOON CAPTAIN SHALL BE THE NEXT RANK

32 COMBAT:

33 BELOW THAT OF DISTRICT CHIEF, EACH IN COM-  
34 MAND OF A RESCUE UNIT. IN THE ABSENCE OF  
35 THE DISTRICT CHIEF, THE PLATOON CAPTAIN  
ASSUMES THE DUTIES OF THE DISTRICT CHIEF. AT  
FIRES INVOLVING SPRINKLED BUILDINGS, IT IS  
THE DUTY OF THE PLATOON CAPTAIN TO SEE THAT  
STANDPIPES ARE BEING SUPPLIED WITH WATER  
FROM ONE OF THE PUMPS; ALSO TO SEE THAT MER-  
CHANDISE AND FURNISHINGS ARE PROPERLY PRO-

1 TECTED WITH SALVAGE COVERS WHENEVER NECES-  
2 SARY.  
3 PLATOON CAPTAIN RESPONSIBLE TO ASSISTANT CHIEF OF THE FIRE  
4 FIRE SHOP: SHOP. HANDLES ROUTINE ASSIGNMENTS AND PRE-  
5 PARES DAILY WORK LOADS FOR MECHANICS.  
6 PLATOON CAPTAIN ASSISTS ASSISTANT CHIEF OF THE TRAINING  
7 TRAINING DIVISION: DIVISION IN TRAINING MEN, HOUSE DUTIES, AND  
8 MAINTAINING RECORDS.  
9 PLATOON CAPTAIN INSPECTS ALL BUILDINGS PERTAINING TO THE FIRE  
10 INSPECTORS: PREVENTION CODE, INVESTIGATES FIRES, AND  
11 PUBLIC RELATIONS FOR THE DEPARTMENT.  
12 CAPTAIN: CAPTAINS ARE ASSIGNED TO ENGINE COMPANIES.  
13 THE COMPANY OFFICER IS RESPONSIBLE FOR THE  
14 MORALE, DISCIPLINE, TRAINING AND PERFORMANCE  
15 OF HIS PARTICULAR FIRE COMPANY. HE IS RE-  
16 SPONSIBLE FOR THE CONDITION OF THE BUILDING  
17 AND APPARATUS. IN THE EVENT THAT TWO CAPTAINS  
18 ARE ASSIGNED TO THE SAME ENGINE HOUSE THE  
19 CAPTAIN WITH THE MOST OVERALL SENIORITY SHALL  
20 BE THE STATION COMMANDER.  
21 CAPTAIN, FIRE SHOP: PERFORMS DUTIES OF REGULAR MAINTENANCE AND  
22 REPAIRS ON ALL FIRE DEPARTMENT AND EMERGENCY  
23 MEDICAL SERVICE VEHICLES UNDER THE SUPER-  
24 VISION OF THE ASSISTANT CHIEF OF THE FIRE SHOP.  
25 LIEUTENANT: LIEUTENANTS ARE IN CHARGE OF LADDER COMPANIES.  
26 IN THE ABSENCE OF THE CAPTAIN, THE LIEUTENANT  
27 ASSUMES HIS DUTIES.  
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1     SECTION 10.   RATINGS AND PROMOTION

2           SUCH RULES AND REGULATIONS SHALL PRESCRIBE THAT THE FOL-  
3     LOWING FOUR (4) FACTORS SHALL BE THE BASIC COMPONENTS IN RATING  
4     A MEMBER OF THE FIRE DEPARTMENT, AND THAT SUCH RATINGS SHALL  
5     DETERMINE THE ELIGIBILITY OF ALL FIRE DEPARTMENT PERSONNEL FOR  
6     PROMOTION TO NEW POSITIONS OR TO FILL VACANCIES IN ALL RANKS  
7     BELOW ASSISTANT CHIEF, SUCH ELIGIBILITY RATINGS SHALL REMAIN  
8     VALID FOR A PERIOD OF THREE (3) YEARS. ALL FIRE DEPARTMENT PER-  
9     SONNEL INTERESTED IN PROMOTION UNDER THE PROVISIONS OF THIS ACT  
10    ARE ELIGIBLE FOR A RATING AS HEREINAFTER PROVIDED.

11    FACTOR 1: THE SENIORITY RIGHTS OF A MEMBER OF THE FIRE  
12    DEPARTMENT. THE SENIORITY RIGHTS OF A MEMBER SHALL BE BASED  
13    ON TWO 92) PERCENT PER YEAR OF SERVICE UP TO AND INCLUDING  
14    FIFTEEN (15) YEARS. FOR THE PURPOSE OF AWARDING CREDIT FOR  
15    INCOMPLETE YEARS OF SERVICE, A FORMULA OF ONE SIXTH (1/6) OF  
16    ONE(1) PERCENT PER MONTH SHALL BE APPLIED.

17    FACTOR 2: THE GRADE RECEIVED BY A MEMBER ON A COMPETI-  
18    TIVE EXAMINATION PERTAINING TO THE FIRE SERVICE IN FORT WAYNE.  
19    A MAXIMUM OF FORTY (40% PERCENT SHALL BE AWARDED ON THE COM-  
20    PETITIVE EXAMINATION. CONSIDERATION FOR THE MAXIMUM AWARD  
21    SHALL BE EQUALLY DIVIDED BETWEEN A WRITTEN EXAMINATION AND  
22    THE "HANDS ON" PERFORMANCE OF FIRE FIGHTING EVOLUTIONS.

23    FACTOR 3: PERSONAL INTERVIEW BY THE COMMISSION. A MAXIMUM  
24    OF TEN (10) PERCENT SHALL BE AWARDED FOR THE PERSONAL INTER-  
25    VIEW. A PERSONAL QUALIFICATION GUIDE (RESUME) SHALL BE PRE-  
26    SENTED TO THE COMMISSION PRIOR TO THE APPEARANCE OF ANY MEMBER.

27    FACTOR 4: PAST PERFORMANCE. A MAXIMUM OF TWENTY(20)PERCENT  
28    SHALL BE AWARDED FOR PAST PERFORMANCE. ON INITIAL IMPLEMENTA-  
29    TION ALL MEMBERS SHALL RECEIVE CREDIT FOR THE FULL TWENTY(20)  
30    PERCENT FOR PAST PERFORMANCE. THEREAFTER, TO PRESCRIBE THE  
31    MANNER OF DETERMINING A RATING FOR PAST PERFORMANCE, THE  
32    RULES AND REGULATIONS SHALL CONTAIN A PROVISION REQUIRING THAT  
33    PERFORMANCE RATINGS SHALL BE MADE EVERY SIX(6) MONTHS FOR EACH  
34    MEMBER OF THE FIRE DEPARTMENT, NOT INCLUDING THE FIRE CHIEF.

35    THESE RATINGS SHALL BE MADE BY THE IMMEDIATE SUPERIOR OFFICER OF

1 THE MEMBER AND SHALL BE GIVEN TO THE MEMBER, IN PERSON, BY THAT  
2 OFFICER, SO THAT THE MEMBER HAS FULL KNOWLEDGE OF HIS RATING.  
3 THE MEMBER BEING RATED SHALL AFFIX HIS SIGNATURE TO HIS  
4 RATING. THE MEMBER'S SIGNATURE SHALL INDICATE FULL KNOWLEDGE  
5 OF THE RATING AND SHALL NOT BE CONSTRUED AS BEING AN APPROVAL  
6 OR A DISAPPROVAL OF SAME. SUCH RATINGS SHALL THEN BE SUBMITTED  
7 AS A WRITTEN REPORT TO THE FIRE CHIEF AND THE COMMISSION FOR  
8 PERMANENT FILE IN THOSE OFFICES. SAID REPORT SHALL BE MADE UP  
9 OF AT LEAST FIVE (5) DESCRIPTIVE AREAS, INCLUDING QUALITY OF  
10 WORK, QUANTITY OF WORK, ATTITUDE TOWARD WORK, RELATIONSHIP WITH  
11 PEOPLE AND THE SUPERVISION OF EMPLOYEES (IF APPLICABLE). THE  
12 REPORT SHALL BE USED BY THE IMMEDIATE SUPERIOR OFFICER FOR  
13 FURTHER EVALUATION. THIS EVALUATION SHALL BE LIMITED TO OVER-  
14 ALL DESCRIPTION. IT SHALL BE FURTHER PROVIDED THAT THE RULES  
15 AND REGULATIONS OF THE COMMISSION SHALL PROVIDE THAT THE FIRE  
16 CHIEF OF THE DEPARTMENT SHALL ALLOW ANY MEMBER TO SEE THEIR  
17 RATING UPON REQUEST. IF THEN, ANY MEMBER IS DISSATISFIED WITH  
18 THEIR RATING, THEY MAY SUBMIT A WRITTEN STATEMENT TO BE ATTACHED  
19 PERMANENTLY TO SUCH REPORT AND MAY REQUEST A HEARING WITH THE  
20 COMMISSION WITHIN THIRTY (30) DAYS OF SUCH RATING BEING DIS-  
21 CLOSED TO THE MEMBER. THE COMMISSION WILL THEN HEAR THE CASE  
22 WITH THE MEMBER AND THE IMMEDIATE SUPERIOR OFFICER PRESENT.  
23 THE COMMISSION SHALL HAVE THE AUTHORITY TO AFFIRM THE RATING OR  
24 TO INCREASE SAME.

1        SECTION 11.        "TIME REQUIREMENTS FOR PROMOTION"

2                IN ORDER FOR A MEMBER OF THE FIRE DEPARTMENT TO BE CON-  
3        SIDERED FOR PROMOTION TO A HIGHER RANK, THE MEMBER SHALL HAVE  
4        SERVED AS AN ACTIVE MEMBER OF SAID DEPARTMENT FOR A PERIOD OF  
5        TIME SET FORTH BELOW, AND IN THE RANKS AS SET FORTH BELOW:

6                PRIVATE FOR A PERIOD OF TIME NOT LESS THAN FIVE (5) YEARS.

7                LIEUTENANT FOR A PERIOD OF TIME NOT LESS THAN THREE (3)  
8        YEARS.

9                CAPTAIN FOR A PERIOD OF TIME NOT LESS THAN TWO (2) YEARS.

10        IN THE EVENT A VACANCY OCCURS IN ANY MERIT APPOINTED RANK PRIOR  
11        TO THREE (3) YEARS FROM THE DATE THE FIRST MERIT APPOINTMENT IS  
12        MADE, THE COMMISSION SHALL HAVE THE AUTHORITY TO FILL THAT  
13        VACANCY WITH THE MERIT APPOINTED OFFICER MOST QUALIFIED BY  
14        REDUCING THE TIME IN RANK REQUIREMENT AS SET FORTH ABOVE, SUCH  
15        REDUCED TIME REQUIREMENT TO BE NOT LESS THAN THE ELAPSED TIME  
16        FROM THE FIRST MERIT APPOINTMENT.

17        IN ORDER FOR ANY ACTIVE MEMBER OF THE FIRE DEPARTMENT TO  
18        BE APPOINTED TO AN "ADMINISTRATIVE APPOINTEE" THEY SHALL HAVE  
19        SERVED NOT LESS THAN EIGHT (8) YEARS ON THE DEPARTMENT.

20        SECTION 12.        "EXCEPTION TO THE TIME REQUIREMENT FOR PROMOTION"

21                THERE SHALL BE NO TIME IN GRADE REQUIREMENT FOR THOSE  
22        OFFICERS WHO ARE TO BE PLACED IN THE SPECIFIC RANKS BELOW THAT  
23        OF ASSISTANT CHIEF THE FIRST TIME PROMOTIONAL TESTS ARE GIVEN.  
24        WHEN PROMOTIONAL TESTS ARE GIVEN AGAIN THOSE OFFICERS SHALL NOT  
25        HAVE TO RETURN TO LOWER RANKS TO SATISFY THE TIME IN GRADE  
26        REQUIREMENT, EVEN THOUGH THEY MUST HAVE THE PROPER AMOUNT OF  
27        SENIORITY AS SET FORTH IN SECTION 11-A.



1        SECTION 13. "PROMOTION AND DEMOTION"

2            ALL PROMOTIONS TO ANY RANK SHALL BE MADE FROM THE NEXT  
3 IMMEDIATE LOWER RANK, EXCEPT ASSISTANT CHIEF, DEPUTY CHIEF AND  
4 FIRE CHIEF, AS HEREINAFTER PROVIDED. NO ACTING OR TEMPORARY  
5 RANK SHALL EXCEED THREE (3) MONTHS. THE COMMISSION SHALL NOT  
6 HAVE THE AUTHORITY TO APPOINT OR REMOVE FROM RANK, ANY MEMBER  
7 OF THE FIRE DEPARTMENT FROM THE RANK OF ASSISTANT CHIEF, DEPUTY  
8 CHIEF OR FIRE CHIEF, BUT THE MAYOR OF SAID CITY AND THE BOARD  
9 OF PUBLIC SAFETY SHALL HAVE THE AUTHORITY TO PROMOTE OR DEMOTE  
10 ANY MEMBER OF THE FIRE DEPARTMENT FROM THE RANK OF ASSISTANT  
11 CHIEF, DEPUTY CHIEF OR FIRE CHIEF. DEMOTION OF ANY MEMBER OF  
12 THE FIRE DEPARTMENT FROM THE RANK OF ASSISTANT CHIEF, DEPUTY  
13 CHIEF OR FIRE CHIEF OF SAID DEPARTMENT SHALL MEAN DEMOTION FROM  
14 RANK ONLY AND NOT REMOVAL FROM THE DEPARTMENT. WHILE SERVING IN  
15 AN APPOINTED CAPACITY A MEMBER SHALL BE ELIGIBLE TO IMPROVE HIS  
16 PERMANENT RANK ONE GRADE. IF THE MEMBER ATTAINS ELIGIBILITY FOR  
17 THE NEXT HIGHER GRADE, HE SHALL ACCRUE SENIORITY TOWARD TIME IN  
18 THAT GRADE WHILE SERVING AS AN APPOINTEE. IF THE MEMBER DE-  
19 SIRES TO IMPROVE HIS PERMANENT GRADE TO A SECOND HIGHER LEVEL,  
20 THAN THAT GRADE FROM WHICH HE WAS PROMOTED, HE SHALL BE ENTITLED  
21 TO DO SO. IF THE MEMBER THEN QUALIFIES FOR PROMOTION HE SHALL  
22 RESIGN HIS APPOINTED POSITION AND ASSUME THE LOWER RANK AT SUCH  
23 A TIME AS AN OPENING OCCURS AND THEN MUST HOLD THAT POSITION  
24 FOR A MINIMUM OF SIX (6) MONTHS.

25            ANY MEMBER DEMOTED FROM THE RANK OF ASSISTANT CHIEF, DEPUTY  
26 CHIEF OR FIRE CHIEF, SHALL BE ASSIGNED TO THE LAST PERMANENT  
27 MERIT ATTAINED RANK IN THE DIVISION FROM WHICH HE WAS PROMOTED,  
28 BUT IN NO EVENT, TO A RANK BELOW THE LAST PERMANENT RANK  
29 ATTAINED, AND FROM THE DEPARTMENT DIVISION FROM WHICH THEY WERE  
30 PROMOTED.

31            IN THE EVENT THERE ARE NO OPENINGS IN THEIR LAST PERMANENT  
32 RANK, THE PERSON HOLDING THE LEAST SENIORITY IN THAT RANK  
33 IMMEDIATELY BELOW WILL BE DEMOTED TO THE NEXT LOWER RANK UNTIL  
34 SUCH A TIME AS THE NEXT OPENING OCCURS IN THE RANK FROM WHICH  
35 THEY WERE DEMOTED OR ANY RANK IN BETWEEN IN THE EVENT HIS TEM-

1           PORARY DEMOTION WAS MORE THAN ONE GRADE. IF TWO (2) OR MORE  
2           PERSONS HOLD THE SAME SENIORITY, THE PERSON WITH THE LOWEST  
3           COMPOSITE SCORE IN THE TESTING FOR THAT RANK, WILL BE DEMOTED.  
4           BE IT FURTHER PROVIDED THAT IF THE "BUMPING" OF PERSONNEL, CAUSED  
5           BY THE DEMOTION PROCESS AS SET FORTH ABOVE, SHOULD CAUSE ANY  
6           FIRE DEPARTMENT DIVISION TO BECOME OVERLOADED WITH PERSONNEL,  
7           THE FIRE CHIEF SHALL CAUSE EXCESS PERSONNEL TO BE TRANSFERRED  
8           TO ANOTHER DIVISION.  
9

1        SECTION 14. "ON-GOING COMPETENCY"

2        SECTION 14A. FOR THE PURPOSE OF DETERMINING THE ON-GOING COM-  
3        PETENCY OF ANY MERIT APPOINTED OFFICER, ALL SUCH MERIT APPOINTED  
4        OFFICERS WILL BE RETESTED EVERY THREE (3) YEARS. IF ANY SUCH  
5        OFFICER FAILS TO ATTAIN A GRADE OF AN ACCEPTABLE LEVEL, THERE  
6        SHALL BE A PERIOD OF UP TO SIXTY (60) DAYS FOLLOWING IN WHICH HE  
7        MAY RETAKE THE TEST IN AN EFFORT TO RAISE HIS GRADE. IF AT THAT  
8        TIME, HE AGAIN FAILS TO ATTAIN AN ACCEPTABLE GRADE, HE SHALL BE  
9        DEMOTED TO THE NEXT LOWER RANK AND SHALL NOT BE ELIGIBLE FOR  
10       PROMOTION UNTIL SUCH A TIME AS TESTING IS CONDUCTED. TO DETERMINE  
11       ELIGIBILITY, FOR OPENINGS IN THE RANK FROM WHICH HE WAS DEMOTED.

12  
13       SECTION 14B. IF THE COMPETENCY OF ANY MERIT APPOINTED OFFICER  
14       IS QUESTIONED, THE SUBORDINATE SHALL SUBMIT, IN WRITING, IN  
15       DUPLICATE, HIS CHARGES, TO THE FIRE CHIEF AND TO THE CHAIRMAN  
16       OF THE COMMISSION. THE FIRE CHIEF AND THE COMMISSION CHAIRMAN  
17       SHALL EXAMINE AND REFER SUCH CHARGES TO THE THREE (3) IMMEDIATE  
18       SUPERIOR OFFICERS OF THE OFFICER BEING CHARGED. THESE FIVE (5)  
19       PERSONS SHALL, WITHIN TWO (2) WEEKS CAUSE A HEARING TO BE HELD  
20       WITH BOTH THE OFFICER BEING CHARGED AND THE SUBORDINATE MAKING  
21       THE ACCUSATION BEING PRESENT. EACH OF THE PARTIES INVOLVED SHALL  
22       BE ENTITLED TO BRING ANOTHER FORT WAYNE FIREFIGHTER AND/OR OTHER  
23       WITNESSES AS EITHER PARTY MAY DEEM BENEFICIAL TO THEIR CASE.  
24       THE FIVE (5) OFFICERS HEARING THE CASE SHALL MAKE A JUDGEMENT  
25       AND SAID JUDGEMENT SHALL BE REFERRED TO THE COMMISSION AS A BODY  
26       FOR FURTHER ACTION AS THEY MAY DEEM APPLICABLE.

27       IN THE CASE OF A LIEUTENANT, ANY QUESTIONS REGARDING HIS  
28       COMPETENCY WOULD BE CONSIDERED BY HIS CAPTAIN, PLATOON CAPTAIN  
29       AND HIS DISTRICT CHIEF IN ADDITION TO THE FIRE CHIEF AND THE COM-  
30       MISSION CHAIRMAN; A CAPTAIN BY HIS PLATOON CAPTAIN, DISTRICT  
31       CHIEF AND ASSISTANT CHIEF IN ADDITION TO THE FIRE CHIEF AND THE  
32       COMMISSION CHAIRMAN. IN THE EVENT THE COMPETENCY OF A DISTRICT  
33       CHIEF IS QUESTIONED, THE EXAMINING BODY SHALL CONSIST OF THREE  
34       (3) SUPERIOR OFFICERS, HIS ASSISTANT CHIEF, THE FIRE CHIEF AND  
35       THE COMMISSION CHAIRMAN.

1           IN EACH INSTANCE, THOSE OFFICERS WHO WILL BE EXAMINING THE  
2           MERITS OF ANY SUCH CHARGES SHALL BE FROM THE SAME SHIFT AS THE  
3           OFFICER BEING ACCUSED.  
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1        SECTION 15. "GRIEVANCE PROCEDURES"

2        SECTION 15A. "FOR USE BY UNION MEMBERS"

3                GRIEVANCE OR DISPUTES WHICH MAY ARISE, WITH THE EXCEPTION  
4        OF ON-GOING COMPETENCY AS DEFINED IN SECTIONS 14A AND 14B, SHALL BE  
5        RESOLVED IN A MANNER SET FORTH BELOW.    LIKEWISE EXCLUDED FROM  
6        THESE PROCEDURES SHALL BE ALL MATTERS THAT APPLY TO THE ANNUAL  
7        COMPENSATION (SALARY) PAID TO FIRE DEPARTMENT MEMBERS AS DETER-  
8        MINED THROUGH ACTION OF THE COMMON COUNCIL.

9                STEP I:     THE UNION GRIEVANCE COMMITTEE, UPON RECEIVING A  
10                WRITTEN AND SIGNED PETITION, SHALL DETERMINE IF  
11                A GRIEVANCE EXISTS, IF IN THEIR OPINION NO GRIEV-  
12                ANCE EXISTS, NO FURTHER ACTION IS NECESSARY.

13               STEP II:    IF A GRIEVANCE DOES EXIST, THE COMMITTEE SHALL  
14                WITH OR WITHOUT THE AGGRIEVED PERSON OR PERSONS,  
15                PRESENT THE GRIEVANCE TO THE CHIEF OF THE FIRE  
16                DEPARTMENT FOR ADJUSTMENT.

17               STEP III: IF WITHIN FIVE (5) BUSINESS DAYS, FROM THE DATE  
18                OF THE FIRST MEETING WITH THE FIRE CHIEF, THE  
19                GRIEVANCE HAS NOT BEEN MUTUALLY SETTLED, IT SHALL  
20                BE SUBMITTED TO THE DIRECTOR OF PUBLIC SAFETY FOR  
21                CONSIDERATION AND MUTUAL ADJUSTMENT. THE DIREC-  
22                TOR OF PUBLIC SAFETY SHALL ARRANGE TO MEET WITH  
23                THE UNION GRIEVANCE COMMITTEE WITHIN FIVE (5)  
24                BUSINESS DAYS AFTER RECEIPT OF SUCH GRIEVANCE.  
25                WITHIN FIVE (5) BUSINESS DAYS FOLLOWING THE FIRST  
26                MEETING WITH THE DIRECTOR OF PUBLIC SAFETY, THE  
27                BOARD OF PUBLIC SAFETY SHALL GIVE WRITTEN ANSWER.

28               STEP IV:    IN THE EVENT THE UNION IS NOT SATISFIED WITH THE  
29                DECISION OF THE BOARD OF PUBLIC SAFETY OF SAID  
30                GRIEVANCE AND DESIRES TO TAKE SAID GRIEVANCE TO  
31                ARBITRATION, THE UNION SHALL NOTIFY THE EMPLOYER,  
32                IN WRITING, OF IT'S INTENTION TO DO SO WITHIN  
33                TEN (10) BUSINESS DAYS AFTER THE DECISION OF THE  
34                BOARD OF PUBLIC SAFETY ON SAID GRIEVANCE. THE  
35                UNION SHALL THEN IMMEDIATELY FORWARD A WRITTEN

1 REQUEST TO THE AMERICAN ARBITRATION ASSOCIATION  
2 TO NAME A PANEL OF THREE (3) ARBITRATORS FROM  
3 WHICH AN ARBITRATOR SHALL BE CHOSEN AND UPON  
4 RECEIPT OF PANEL, THE EMPLOYER AND THE UNION SHALL  
5 EACH STRIKE AN ARBITRATOR WITHIN TWO (2) BUSINESS  
6 DAYS. IN THE EVENT AN ARBITRATOR CANNOT BE  
7 SELECTED BY THE ABOVE PROCESS, THE AMERICAN  
8 ARBITRATION ASSOCIATION SHALL SELECT THE ARBITRA-  
9 TOR. THE CONDUCT OF THE ARBITRATION SHALL BE  
10 GOVERNED BY THE RULES OF THE AMERICAN ARBITRATION  
11 ASSOCIATION. THE FINDINGS OF THE ARBITRATOR SHALL  
12 BE BINDING ON ALL PARTIES, UNLESS IT IS DETERMINED  
13 THAT SAID FINDINGS ARE IN VIOLATION OF INDIANA  
14 LAW. THE UNION AND THE EMPLOYER WILL SHARE EQUAL-  
15 LY THE COSTS FOR THE SERVICES OF THE ARBITRATOR.  
16

17 SECTION 15B. "FOR USE BY NON-UNION MEMBERS OR UNION MEMBERS WHO  
18 ELECT NOT TO USE SECTION 7A"

19 GRIEVANCES OR DISPUTES WHICH MAY ARISE, WITH THE EXCEPTION  
20 OF ON-GOING COMPETENCY AS DEFINED IN SECTIONS 14A AND 14B, SHALL BE  
21 RESOLVED IN A MANNER SET FORTH BELOW. LIKEWISE EXCLUDED FROM  
22 THESE PROCEDURES SHALL BE ALL MATTERS THAT APPLY TO THE ANNUAL  
23 COMPENSATION (SALARY) PAID TO FIRE DEPARTMENT MEMBERS AS DETER-  
24 MINED THROUGH ACTION OF THE COMMON COUNCIL.

25 STEP I: IF A GRIEVANCE DOES EXIST, THE AGGRIEVED PARTY  
26 SHALL PRESENT, IN WRITING, THE GRIEVANCE TO THE  
27 CHIEF OF THE FIRE DEPARTMENT FOR ADJUSTMENT.

28 STEP II: THE CHIEF OF THE FIRE DEPARTMENT SHALL MEET WITH  
29 THE AGGRIEVED PARTY WITHIN FIVE (5) BUSINESS DAYS.  
30 IF WITHIN FIVE (5) BUSINESS DAYS, FROM THE DATE  
31 OF THE FIRST MEETING WITH THE FIRE CHIEF, THE  
32 GRIEVANCE HAS NOT BEEN MUTUALLY SETTLED, IT SHALL  
33 BE SUBMITTED TO THE DIRECTOR OF PUBLIC SAFETY FOR  
34 CONSIDERATION AND MUTUAL ADJUSTMENT. THE DIREC-  
35 TOR OF PUBLIC SAFETY SHALL ARRANGE TO MEET WITH

1 THE AGGRIEVED PARTY WITHIN FIVE (5) BUSINESS  
2 DAYS AFTER RECEIPT OF SUCH GRIEVANCE. WITHIN  
3 FIVE (5) BUSINESS DAYS FOLLOWING THE FIRST MEET-  
4 ING WITH THE DIRECTOR OF PUBLIC SAFETY, THE BOARD  
5 OF PUBLIC SAFETY SHALL GIVE THEIR WRITTEN ANSWER.

6 STEP III: IN THE EVENT THE AGGRIEVED PARTY IS NOT SATIS-  
7 FIED WITH THE DECISION OF THE BOARD OF PUBLIC  
8 SAFETY OF SAID GRIEVANCE AND DESIRES TO TAKE SAID  
9 GRIEVANCE TO ARBITRATION, THE AGGRIEVED PARTY  
10 SHALL NOTIFY THE EMPLOYER, IN WRITING, OF THEIR  
11 INTENTION TO DO SO WITHIN TEN (10) BUSINESS DAYS  
12 AFTER THE DECISION OF THE BOARD OF PUBLIC SAFETY  
13 ON SAID GRIEVANCE. THE AGGRIEVED PARTY SHALL  
14 THEN IMMEDIATELY FORWARD A WRITTEN REQUEST TO THE  
15 AMERICAN ARBITRATION ASSOCIATION TO NAME A PANEL  
16 OF THREE (3) ARBITRATORS FROM WHICH AN ARBITRATOR  
17 SHALL BE CHOSEN AND UPON RECEIPT OF PANEL, THE  
18 EMPLOYER AND THE AGGRIEVED PARTY EACH SHALL STRIKE  
19 AN ARBITRATOR WITHIN TWO (2) BUSINESS DAYS. IN  
20 THE EVENT AN ARBITRATOR CANNOT BE SELECTED BY THE  
21 ABOVE PROCESS, THE AMERICAN ARBITRATION ASSOCIATION  
22 SHALL SELECT THE ARBITRATOR. THE CONDUCT OF THE  
23 ARBITRATION SHALL BE GOVERNED BY THE RULES OF THE  
24 AMERICAN ARBITRATION ASSOCIATION. THE FINDINGS  
25 OF THE ARBITRATOR SHALL BE FINAL AND BINDING ON  
26 ALL PARTIES, UNLESS IT IS DETERMINED THAT SAID  
27 FINDINGS ARE IN VIOLATION OF INDIANA LAW. THE  
28 AGGRIEVED PARTY AND THE EMPLOYER WILL SHARE  
29 EQUALLY THE COSTS FOR THE SERVICES OF THE ARBI-  
30 TRATOR.

1     SECTION 16. "INTERIM OFFICERS"

2             ALL PERSONS WHO ARE MEMBERS OF THE FIRE DEPARTMENT OF SAID  
3     CITY AT THE TIME OF THE EFFECTIVE DATE OF THIS ACT SHALL HOLD  
4     THEIR RESPECTIVE RANKS TEMPORARILY. THE COMMISSION SHALL,  
5     WITHIN A ONE AND ONE-HALF (1-1/2) YEAR PERIOD AFTER THEIR  
6     APPOINTMENT, HOLD OPEN COMPETITIVE EXAMINATIONS FOR ALL MEMBERS  
7     OF THE FIRE DEPARTMENT FOR THE PURPOSE OF DETERMINING WHO  
8     WILL HOLD SPECIFIC RANKS IN THE DEPARTMENT BELOW THAT OF  
9     ASSISTANT CHIEF. PROMOTIONS AND RANKS SHALL BECOME EFFECTIVE  
10    WITHIN THE ONE AND ONE-HALF (1-1/2) year period.

11    SECTION 17. "FIRE CHIEF EXEMPT"

12            ANY PERSON WHO HOLDS THE RANK OF FIRE CHIEF SHALL CONTINUE  
13    TO HOLD HIS OFFICE, AT THE DESCRETION OF THE MAYOR, AND HIS  
14    QUALIFICATIONS SHALL NOT BE SUBJECT TO THE EXAMINATION PROCEDURES  
15    OF THE COMMISSION. WHEN APPOINTING THE FIRE CHIEF, AFTER  
16    THE IMPLEMENTATION OF THIS ACT, THE MAYOR MUST TAKE THAT  
17    APPOINTMENT FROM A MEMBER OF THE FIRE DEPARTMENT WITH A  
18    PERMANENT RANK OF NOT LESS THAN CAPTAIN. PROMOTIONS IN THE  
19    FIRE DEPARTMENT IN SAID CITY SHALL BE APPROVED AND MADE BY  
20    THE COMMISSION FROM ACTIVE PERSONNEL OF SAID DEPARTMENT, PRO-  
21    VIDED THAT ANY MEMBER, IN ORDER TO BE ELIGIBLE FOR APPOINTMENT  
22    TO THE RANK OF ASSISTANT CHIEF, DEPUTY CHIEF OR FIRE CHIEF,  
23    SHALL BE REQUIRED TO HAVE SERVED AS AN ACTIVE MEMBER OF SAID  
24    DEPARTMENT FOR NOT LESS THAN THE PERIOD OF TIME AS SET FORTH  
25    IN SECTION 11, AND IN THE RANKS AS SET FORTH IN SECTION 11  
26    AND THAT THE FIRE CHIEF HAS ATTAINED THE RANK OF CAPTAIN  
27    THROUGH THE PROCESS OF COMPETITIVE EXAMINATION. THE MAYOR OF  
28    SAID CITY SHALL HAVE THE AUTHORITY TO APPOINT THE RANKS OF  
29    ASSISTANT CHIEF THROUGH FIRE CHIEF UNDER THE PROVISIONS  
30    HEREIN SET FORTH.

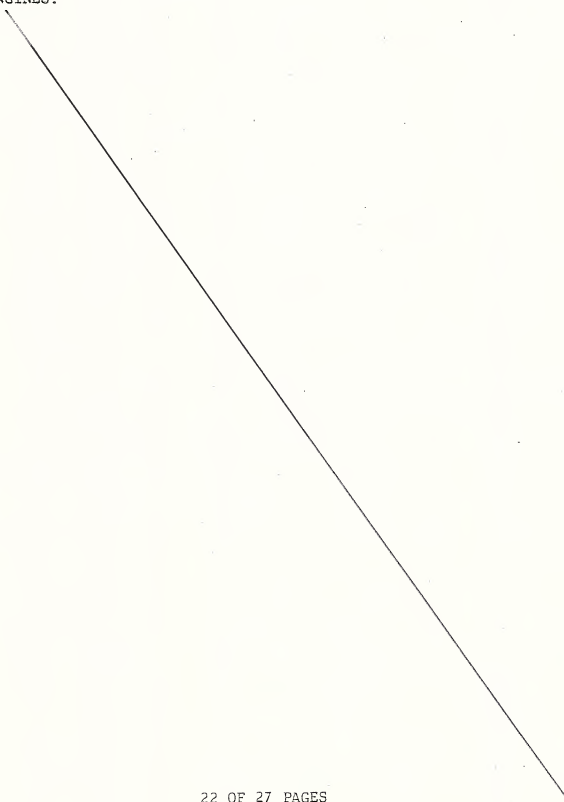


1        SECTION 18. "ESTABLISHMENT OF ENGINEER GRADE"

2                THE COMMISSION SHALL, WITHIN THREE (3) YEARS FROM THE DATE  
3        OF THE IMPLEMENTATION OF THIS ACT, ESTABLISH THE RANK OF SECOND  
4        ENGINEER AND FIRST ENGINEER TO BE FILLED THROUGH COMPETITIVE  
5        EXAMINATION.

6                A SECOND ENGINEER SHALL BE THAT FIRE DEPARTMENT MEMBER WHO  
7        IS REGULARLY ASSIGNED TO DRIVE AND OPERATE THOSE PIECES OF FIRE  
8        DEPARTMENT APPARATUS COMMONLY REFERRED TO AS AERIAL LADDERS,  
9        SNORKELS OR ELEVATED PLATFORMS.

10               A FIRST ENGINEER SHALL BE THAT FIRE DEPARTMENT MEMBER WHO  
11        IS REGULARLY ASSIGNED TO DRIVE AND OPERATE THOSE PIECES OF FIRE  
12        DEPARTMENT APPARATUS COMMONLY REFERRED TO AS PUMPS, PUMPERS OR  
13        ENGINES.



1           SECTION 19. "FIRE PREVENTION BUREAU"

2           THE ASSISTANT CHIEF OF THE FIRE PREVENTION BUREAU SHALL BE  
3           AN ADMINISTRATIVE APPOINTEE. IN NO EVENT SHALL THE ASSISTANT  
4           CHIEF OF THE FIRE PREVENTION BUREAU BE PROMOTED TO THAT RANK FROM  
5           A GRADE LOWER THAN CAPTAIN.

6           ALL FIRE DEPARTMENT PERSONNEL SHALL BE GIVEN THE OPPORTUNITY  
7           TO PARTICIPATE IN COMPETITIVE EXAMINATION TO DETERMINE A PERMANENT  
8           GRADE LEVEL IN THE FIRE PREVENTION BUREAU, PROVIDED THAT THEY  
9           HAVE NOT LESS THAN FIVE (5) YEARS OF SERVICE ON THE FIRE DEPART-  
10          MENT REGARDLESS OF THE DIVISION TO WHICH THEY WERE PREVIOUSLY  
11          ASSIGNED.

12          THERE SHALL BE NO "TIME IN GRADE" REQUIREMENT FOR FIRE  
13          DEPARTMENT PERSONNEL TESTING FOR THE FIRE PREVENTION BUREAU.

14          THAT MEMBER SERVING AS FIRE PREVENTION BUREAU ASSISTANT  
15          CHIEF, AT THE TIME THIS ACT BECOMES EFFECTIVE, SHALL BE ELIGIBLE  
16          TO PARTICIPATE IN ANY SUCH TESTING TO DETERMINE THE PERMANENT  
17          GRADE TO WHICH HE SHALL BE ASSIGNED ON HIS DEMOTION. IN NO  
18          EVENT SHALL THE ASSISTANT CHIEF OF THE FIRE PREVENTION BUREAU  
19          BE DEMOTED TO A GRADE LOWER THAN THAT FROM WHICH HE WAS PROMOTED  
20          PROVIDED THAT GRADE WAS ATTAINED THROUGH MERIT TESTING.

21          THE METHOD OF "RATING AND PROMOTION" OF FIRE DEPARTMENT MEM-  
22          BERS TESTING FOR THE FIRE PREVENTION BUREAU SHALL BE AS OUTLINED  
23          IN SECTION 3, WITH THE EXCEPTION THAT NO "HANDS ON" PERFORMANCE  
24          OF FIRE DEPARTMENT EVOLUTIONS SHALL BE REQUIRED. A MAXIMUM OF  
25          FORTY (40) PERCENT SHALL BE AWARDED ON THE COMPETITIVE EXAMINA-  
26          TION FOR THE FIRE PREVENTION BUREAU.

27          AFTER TESTING, A LIST SHALL BE COMPILED BY THE COMMISSION,  
28          OF THE TOTAL COMPOSITE SCORES. THAT FIRE DEPARTMENT MEMBER  
29          AWARDED THE HIGHEST COMPOSITE SCORE SHALL APPEAR AT THE TOP OF  
30          SAID LIST AND SHALL BE DEEMED FIRST ELIGIBLE. THE NAMES OF ALL  
31          OTHER FIRE DEPARTMENT MEMBERS TESTED, FOR THE FIRE PREVENTION  
32          BUREAU, SHALL APPEAR IN ORDER OF THEIR TOTAL COMPOSITE SCORES.

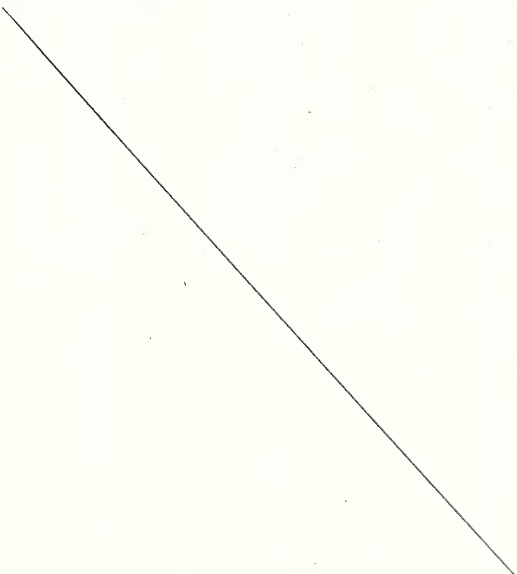
33          THE FIRE DEPARTMENT MEMBER DEEMED FIRST ELIGIBLE SHALL BE  
34          NAMED DEPUTY CHIEF OF THE FIRE PREVENTION BUREAU.

1 THE REMAINING FIRE DEPARTMENT MEMBERS DEEMED ELIGIBLE FOR  
2 PROMOTION SHALL BE AWARDED THE RANK OF PLATOON CAPTAIN IN ORDER  
3 OF THEIR COMPOSITE SCORES, AND IN SUFFICIENT NUMBERS TO FILL ALL  
4 AVAILABLE OPENINGS FOR THAT RANK AS ARE ALLOCATED TO THAT DIVISION  
5 AT THAT TIME.

6 AFTER A SUFFICIENT NUMBER OF ELIGIBLES HAVE BEEN PLACED IN  
7 THE RANK OF PLATOON CAPTAIN TO FILL ALL AVAILABLE OPENINGS, THE  
8 REMAINING ELIGIBLES SHALL BE AWARDED THE NEXT LOWER RANK IN  
9 SUFFICIENT NUMBERS TO FILL ALL OPENINGS FOR THAT RANK AS ARE  
10 ALLOCATED TO THAT DIVISION AT THAT TIME.

11 A SIMILIAR PROCEDURE SHALL BE EMPLOYED UNTIL ALL ALLOCATED  
12 RANKS ARE FILLED WITH ELIGIBLES FROM THOSE FIRE DEPARTMENT MEM-  
13 BERS TESTED.

14 THE FIRE CHIEF MAY, AT HIS DISCRETION, ASSIGN MEDICALLY  
15 DISABLED FIRE DEPARTMENT MEMBERS TO THE FIRE PREVENTION BUREAU ON  
16 A TEMPORARY OR PERMANENT BASIS, PROVIDED THAT THE MEDICALLY  
17 DISABLED MEMBER SHALL NOT DISPLACE, OR OTHERWISE CAUSE TO BE RE-  
18 MOVED, ANY FIRE PREVENTION BUREAU OFFICER WHO HAS ATTAINED RANK  
19 THROUGH MERIT TESTING.



1        SECTION 20.        TRAINING DIVISION

2                THE ASSISTANT CHIEF OF THE TRAINING DIVISION SHALL BE AN  
3        ADMINISTRATIVE APPOINTEE. IN NO EVENT SHALL THE ASSISTANT CHIEF  
4        OF THE TRAINING DIVISION BE PROMOTED TO THAT RANK FROM A GRADE  
5        LOWER THAN CAPTAIN.

6                ALL FIRE DEPARTMENT PERSONNEL SHALL BE GIVEN THE OPPORTUNITY  
7        TO PARTICIPATE IN TESTING FOR A PERMANENT GRADE LEVEL IN THE  
8        TRAINING DIVISION, PROVIDED THAT THEY HAVE NOT LESS THAN FIVE  
9        (5) YEARS OF SERVICE ON THE FIRE DEPARTMENT, REGARDLESS OF THE  
10       DIVISION ON WHICH THEY WERE PREVIOUSLY ASSIGNED.

11               THERE SHALL BE NO "TIME IN GRADE" REQUIREMENT FOR THE FIRE  
12       DEPARTMENT PERSONNEL TESTING FOR THE TRAINING DIVISION. THAT MEM-  
13       BER SERVING AS TRAINING DIVISION ASSISTANT CHIEF AT THE TIME THIS  
14       ACT BECOMES EFFECTIVE, SHALL BE ELIGIBLE TO PARTICIPATE IN ANY  
15       SUCH TESTING TO DETERMINE THE PERMANENT GRADE TO WHICH THE MEM-  
16       BER SHALL BE ASSIGNED UPON HIS DEMOTION.

17               THE TRAINING DIVISION ASSISTANT CHIEF SHALL NOT BE DEMOTED  
18       TO A GRADE LOWER THAN THE LAST PERMANENT RANK ATTENDED.

19               THE METHOD OF "RATING AND PROMOTION" OF FIRE DEPARTMENT  
20       MEMBERS TESTING FOR THE TRAINING DIVISION SHALL BE AS OUTLINED  
21       IN SECTION 10 WITH THE "ON HANDS" PERFORMANCE RELATING TO THE  
22       TEACHING OF A GIVEN ASSIGNMENT. AFTER TESTING, A LIST SHALL BE  
23       COMPILED BY THE COMMISSION, OF THE TOTAL COMPOSITE SCORES.

24       THAT FIRE DEPARTMENT MEMBER AWARDED THE HIGHEST COMPOSITE SCORE  
25       SHALL APPEAR AT THE TOP OF SAID LIST AND SHALL BE DEEMED FIRST  
26       ELIGIBLE. THE NAMES OF ALL OTHER FIRE DEPARTMENT MEMBERS TESTED,  
27       FOR THE TRAINING DIVISION, SHALL APPEAR IN ORDER OF THEIR TOTAL  
28       COMPOSITE SCORES.

29               THE FIRE DEPARTMENT MEMBER DEEMED FIRST ELIGIBLE FOR PRO-  
30       MOTION SHALL BE AWARDED THE RANK OF PLATOON CAPTAIN, TRAINING  
31       DIVISION. THE REMAINING MEMBERS DEEMED ELIGIBLE FOR PROMOTION  
32       SHALL FILL ALL AVAILABLE OPENINGS FOR THAT DIVISION AS ARE  
33       ALLOTTED TO THAT DIVISION AT THAT TIME.

1        SECTION 21.        "FIRE SHOP"

2                THE MASTER MECHANIC OF THE FIRE SHOP SHALL BE AN ADMINISTRA-  
3        TIVE APPOINTEE.

4                THE PLATOON CAPTAIN OF THE FIRE SHOP SHALL BE AN ADMINISTRA-  
5        TIVE APPOINTEE.

6                THE FIRE SHOP SHALL BE COMPRISED OF THE FOLLOWING RANKS:

7                        MASTER MECHANIC

8                        PLATOON CAPTAIN

9                        CAPTAIN

10                       LIEUTENANT

11                       PRIVATE

12                PRIVATES SHALL SERVE NOT LESS THAN ONE (1) YEAR TO BE  
13        ELIGIBLE FOR PROMOTION TO LIEUTENANT.

14                LIEUTENANTS SHALL SERVE NOT LESS THAN ONE (1) YEAR TO  
15        BE ELIGIBLE FOR PROMOTION TO CAPTAIN.

16                PLATOON CAPTAIN SHALL COME FROM THE CAPTAIN'S RANK WITHIN  
17        THE FIRE SHOP.

18                FOR THE PURPOSE OF EVALUATING FIRE SHOP PERSONNEL, BELOW THE  
19        RANK OF PLATOON CAPTAIN, PART FOUR (4) OF SECTION THREE (3) SHALL  
20        APPLY. SAID EVALUATIONS TO BE MADE BY THE FIRE SHOP PLATOON  
21        CAPTAIN AND THE MASTER MECHANIC.

22                IN THE CASE OF THE FIRE SHOP PLATOON CAPTAIN, THE MASTER  
23        MECHANIC SHALL MAKE THE REQUIRED EVALUATION.

24                FROM THE EFFECTIVE DATE OF THIS ACT, ALL NEW FIRE SHOP  
25        PERSONNEL SHALL BE REQUIRED TO HAVE FIVE (5) YEARS AGGREGATE  
26        PREVIOUS EXPERIENCE, EDUCATIONAL AND/OR PRACTICAL, IN ALL THE  
27        FOLLOWING FIELDS:

28                        LIGHT MECHANICS

29                        HEAVY TRUCK MECHANICS

30                        HYDRAULICS

31                        WELDING

32                        DIESEL

33                ALL FIRE SHOP PERSONNEL SHALL BE REQUIRED TO ATTEND THE  
34        FIRE DEPARTMENT TRAINING ACADEMY.

1 SECTION 22. "RATINGS AND PROMOTIONS SUBJECT RULES AND REGULATIONS"

2 ALL RATINGS AND PROMOTIONS MADE BY THE COMMISSION SHALL BE  
3 SUBJECT TO THE RULES AND REGULATIONS OF THE COMMISSION, AND TO  
4 THE STATUTES OF THE STATE OF INDIANA.

5  
6 SECTION 23. "POLITICAL INVOLVEMENT"

7 FIREFIGHTERS COMING UNDER THE PROVISIONS OF THIS ACT ARE NOT  
8 REQUIRED TO CONTRIBUTE TO ANY POLITICAL FUND OR RENDER ANY  
9 POLITICAL SERVICE TO ANY PERSON OR PARTY WHATSOEVER: AND NO  
10 PERSON SHALL BE REMOVED, REDUCED IN CLASSIFICATION OR SALARY,  
11 OR OTHERWISE PREJUDICED BY REFUSING TO DO SO: AND ANY OFFICIAL  
12 COMING UNDER THE PROVISIONS OF THIS ACT WHO ATTEMPT SAME SHALL  
13 BE GUILTY OF VIOLATING THE PROVISIONS OF THIS ACT AND UPON  
14 CONVICTION SHALL BE PUNISHED BY A FINE OF FIVE-HUNDRED  
15 DOLLARS (\$500.00).

16 SECTION 24. "EFFECTIVE DATE"

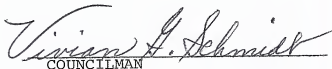
17 THIS ACT SHALL BE EFFECTIVE ON THE FIRST DAY OF  
18 \_\_\_\_\_.

19 SECTION 25.


20 IF ANY SECTION, CLAUSE, SENTENCE, PARAGRAPH, PART OR PRO-  
21 VISION OF THIS ORDINANCE SHALL BE HELD INVALID BY ANY COURT,  
22 IT SHALL BE CONCLUSIVELY PRESUMED THAT THIS ORDINANCE WOULD  
23 HAVE BEEN PASSED BY THE COMMON COUNCIL WITHOUT SUCH INVALID  
24 SECTION, CLAUSE, SENTENCE, PARAGRAPH, PART OR PROVISION.

25 SECTION 26.

26 THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM  
27 AND AFTER ITS PASSAGE, APPROVAL BY THE MAYOR AND LEGAL  
28 PUBLICATION THEREOF.

29   
30 COUNCILMAN

31  
32  
33  
34  
35 Approved as to form and legality  
this 22 day of July, 1977.

  
John H. Logan, Attorney for Common Council

Read the first time in full and on motion by Hunter, seconded by J. Schmidt,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission for  
recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers,  
City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 7-26-77

Charles W. Winterman  
CITY CLERK

Read the third time in full and on motion by J. Schmidt,  
seconded by Talario, and duly adopted, placed on its passage,

PASSED (~~Lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	<u>X</u>	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 11-8-77

Charles W. Winterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 2-41-77 on the 8th day of November, 1977  
ATTEST: (SEAL)

Charles W. Winterman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th  
day of November, 1977, at the hour of 11:45 o'clock A M., E.S.T.

Charles W. Winterman  
CITY CLERK

General Ordinance 2011-41-77 was Voted by Mayor  
Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Robert E. Armstrong on November 18/1977  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Robert E. Armstrong  
MAYOR

RUCKELSHAUS, BOBBITT & O'CONNOR

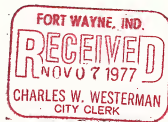
APCH N. BOBBITT  
JOHN C. O'CONNOR  
JOHN G. RUCKELSHAUS  
PAUL G. ROLAND  
REX P. KILLIAN  
WILLIAM A. HASBROCK

ATTORNEYS AT LAW  
SUITE 410  
120 EAST MARKET STREET  
INDIANAPOLIS, INDIANA 46204  
(317) 634-4356

JOHN C. RUCKELSHAUS (1873-1946)  
JOHN K. RUCKELSHAUS (1900-1962)  
SUITE 604  
8402 HARCOURT ROAD  
INDIANAPOLIS, INDIANA 46260  
(317) 871-2339

November 2, 1977

Ms. Vivian ~~Smith~~  
c/o Common ~~Council~~ of Fort Wayne  
City-County ~~Building~~  
Fort Wayne, ~~Indiana~~ 46802



Re: ~~Proposed~~ Fire Merit Ordinance

Dear Ms. ~~Smith~~:

In a telephone conference on November 2nd, you requested our opinion as counsel for the Fort Wayne Professional Fire Fighters Union and the Professional Fire Fighters Union of Indiana on the legality of the proposed Fire Merit Ordinance. In specific, you requested our opinion on the following questions:

1. Does a conflict of laws exist between the proposed Fire Merit Ordinance and I.C. 1971, 18-1-11-3, as last amended by H. B. 1087 (1977)?
2. What effect will the 1977 amendment to I.C. 1971, 18-1-11-3 (H. B. 1087) have on the management and operation of the Fort Wayne Fire Department if the proposed Fire Merit Ordinance is not passed by the Common Council of Fort Wayne?
3. Is the proposed Fire Merit Ordinance valid if it does not conflict with existing state statutes?

As you are aware, the 1977 General Assembly amended I.C. 1971, 18-1-11-3 (Burns 43-6105) in H. B. 1087 to insure that the hearing and due process requirements theretofore afforded firemen and policemen in disciplinary measures would likewise apply to demotion proceedings. The effect of the 1977 amendments to firemen in the city of Fort Wayne is merely to afford to them all of the procedural safeguards set forth in 18-1-11-3 in cases involving demotions on and after the effective date of the amendments.

In response to your first inquiry, so long as the proposed ordinance does not take away any of the procedural safeguards afforded firemen in the City of Fort Wayne by virtue of I.C. 1971, 18-1-11-3, it is my opinion that there would be no conflict between the proposed ordinance and 18-1-11-3. In reviewing Section 5 of the proposed



Ms. Vivian Schmidt  
page 2.  
November 2, 1977

Ordinance, I do not find any conflict between the guidelines for demotions set forth in Section 5 and the procedural safeguards found in 18-1-11-3. It is my further opinion that the council has the power under the Home Rule Act of 1971 to promulgate such a guideline for promotion and demotion. 18-1-11-3 merely sets forth the procedure under which the demotion can take place and under what due process procedures.

In response to inquiry number two, if the City of Fort Wayne does not promulgate a Fire Merit Ordinance, firemen can still avail themselves of the procedural and due process requirements of 18-1-11-3 in the event of a demotion. The City of Fort Wayne would have to comply with the procedural requirements of 18-1-11-3 whether or not a Fire Merit Ordinance is passed.

In response to the third question, the law is clear that the Ordinance would be valid if it does not conflict with existing state statutes. So long as the State has not pre-empted the field by passing legislation on a particular issue and provided further that the power to do so lies within the Home Rule Act of 1971, the City of Fort Wayne could pass such an Ordinance so long as it does not conflict with existing statutes.

If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

RUCKELSHAUS, BOBBITT & O'CONNOR

By: 

Rex P. Killian, Attorneys For  
Professional Fire Fighters Union  
of Indiana and Fort Wayne  
Professional Fire Fighters Union

RPK:jl



CITY OF FORT WAYNE  
910 LINCOLN BANK TOWER  
FORT WAYNE, INDIANA 46802

JOHN H. LOGAN  
COMMON COUNCIL ATTORNEY  
AND RESEARCH ANALYST

November 8, 1977

TO: COUNCILPERSON VIVIAN SCHMIDT:

You have asked three questions pertaining to the proposed Fire Department Merit Commission Ordinance (Bill No. G-77-07-29). These questions are as follows:

1. Is there any conflict between P.L. 201 and the proposed merit system for the Fort Wayne Fire Department?
2. What is the impact of P.L. 201 on the Fire Department if the merit system isn't passed?
3. Is an ordinance passed by the City Council binding on the City if it does not conflict with any state law?

QUESTION NO. 1. If there any conflict between P.L. 201 and the proposed merit system for the Fort Wayne Fire Department?

Public Law No. 201 now codified into IC 18-1-11-3 (State Law) is entitled "An Act to amend IC 18-1-11 and IC 19-1 concerning appeals from dismissals and suspensions for firemen."

Bill No. G-77-07-25 (a proposed Ordinance) is entitled "An Ordinance establishing a Merit Commission for the Fort Wayne Fire Department, providing for the selection of members of said Commission, providing for the establishment and operation of a Merit System to Govern the Appointment and Promotion of Members of said Department, and providing members of said Department a method for resolution of grievances."

From a reading of the State law and the proposed Ordinance it would appear that they are mutually exclusive. The proposed Ordinance (Bill No. G-77-07-29) deals with the establishment of a Merit System to govern the appointment and promotions of members of the Fort Wayne Fire Department. The State law deals with appeals from dismissals and suspensions of firefighters. There is therefore no conflict between the State law (PL No. 201-IC 18-1-11-13) and the proposed ordinance. This is especially

true since IC 18-1-11-3 is an amendment only to an existing state statute which statute deals with the subject matter of disciplining firemen and policemen. The State law by its language attempts to freeze in grade or office firefighters. The proposed ordinance deals with a method by which promotions are made.

One of the Councilmen has asked whether the various District Chiefs and Assistant Chiefs are excepted from P.L. 201 (IC 18-1-11-3). It is clear that rules of statutory construction would not include District Chiefs or any other Chiefs, except the Chief himself since throughout all the law on the subject Chief means only the head man over the fire department.

QUESTION NO. 2. What is the impact of P.L. 201 on the Fire Department if the merit system is not passed?

The Common Council of a City is authorized to adopt Ordinances providing security of employment for city employees. A City's powers are to be liberally construed.

At its 1971 session, the Legislature enacted Public Law 250, IC 18-1-1-5. Among other things this statute repealed the old case law under which the extent of municipal powers was to be narrowly construed.

The above law first received judicial scrutiny in Barrick Realty, Incorporated v. City of Gary, Indiana, (N.D. Ind. 1973), 354 F.Supp. 126, 131, where Judge Eschbach said:

" . . . The State of Indiana clearly intended that, in the absence of specific denial or preemption, the powers of a city are to be limited only by the federal and state constitutions."

Since the above decision, this court has similarly construed the statute:

"The legislature has made it clear that in the absence of a specific denial or preemption, the powers of a city are limited only by the state and federal constitutions." City of Bloomington v. Chuckney, (1975) 331 N.E. 2d 780, 781.

The Statute specifically grants cities the power to provide security of employment for their employees. Among them is the power to protect the job security of city employees:

"A city shall have power to establish and operate a government for the purpose of carrying out its powers and function. The power to establish, control and operate a government shall include, but not be limited to the power to:

" . . . Establish a system of employment with respect to any class of employees under which such employees would have security of employment and would be hired, promoted, demoted, transferred, discharged, compensated and accorded other benefits and advantages on the basis of merit and qualification." IC 18-1-1.5-2(n).

Under the statute, the power in question is to be exercised by the Common Council. The statute is silent as to the manner in which the above power is to be exercised. Accordingly, it is to be exercised by the common council by ordinance as is provided in still another section of the statute:

"Any power conferred upon a city by this chapter or by any other law shall be exercised only in accordance with such method or procedure as may be provided by law. If no method or procedure is provided by law for the exercise of any such power, the common council of any city may, by ordinance, provide a method or procedure for the exercise of such power, and may limit the exercise of any power in any manner not in conflict with this chapter or any other law." IC 18-1-1.5-17.

Reference is also made to City of Richmond v. S.M.O., Inc., (1975) 333 N.E. 2d 797 where, apparently referring to this section, the court said: ". . . the statute's language is clear in stating that a municipality's residual powers are to be exercised by ordinance."

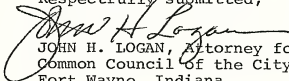
The Common Council may provide job security to employees by an Ordinance providing for a Merit System.

"Any power conferred upon a city by this chapter or by any other law shall be exercised only in accordance with such method or procedure as may be provided by law. If no method or procedure is provided by law for the exercise of any such power, the common council of any city may, by ordinance, provide a method or procedure for the manner not in conflict with this chapter or any other law." IC 18-1-1.5-17.

If the Merit System is not passed by the Common Council then, indeed, the firefighters will be subject to political appointment and promotion as in the past, since nowhere is there any law which prescribes a method for promotion by merit, and as above pointed out the City Council has the authority to promulgate such law for the City of Fort Wayne.

QUESTION NO. 3. Is an ordinance passed by the City Council binding on the City if it does not conflict with any state law? As above pointed out a City's powers are to be liberally construed and the courts have stated that in the absence of a specific denial or preemption, the powers of the City are limited only by Federal and State Constitutions and the Common Council has the power to pass a Merit System by Ordinance.

Respectfully submitted,

  
JOHN H. LOGAN, Attorney for the  
Common Council of the City of  
Fort Wayne, Indiana.

jhl/bm

NOTICE OF PUBLIC HEARING

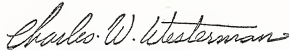
Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Thursday, the 8th day of September, 1977, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-77-07-29 being a proposed General Ordinance to establish A Fire Merit Commission for Fort Wayne Fire Department.

Copies of said Bill No. G-77-07-29 are posted in the following public places in Fort Wayne, Allen County, Indiana.

- (a) The main floor lobby of the City-County Building
- (b) The bulletin board in the lobby at the east door of the Allen County Court House
- (c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana

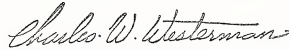
- (a) The Reference Room in the north end of the main floor in said Downtwon Fort Wayne Public Library
- (b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana



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Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 25, 1977.



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Charles W. Westerman  
City Clerk

1810

Charles W. Westerman  
City Clerk

John Nuckols  
Presiding Officer

*For Larry Burke*  
*Assistant*  
*Attorney*  
*to take to Court.*  
*11-30-78*

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of November, 1977, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 25th day of November, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. G-77-07-29 (AS AMENDED)

GENERAL ORDINANCE NO. G-41-77

AN ORDINANCE ESTABLISHING A MERIT COMMISSION  
FOR THE FORT WAYNE FIRE DEPARTMENT,  
PROVIDING FOR THE SELECTION OF MEMBERS FOR  
SAID COMMISSION, PROVIDING FOR THE ESTABLISHMENT  
AND OPERATION OF A MERIT SYSTEM TO GOVERN  
THE APPOINTMENT AND PROMOTION OF MEMBERS  
OF SAID DEPARTMENT AND PROVIDING MEMBERS  
OF SAID DEPARTMENT A METHOD FOR THE  
RESOLUTION OF GRIEVANCES

SECTION 1.

DEFINITIONS AS USED HEREIN.

The words "Board" and "Board of Safety" shall refer to that agency known as the "Board of Public Safety" and as the "Board of Commissioners of the Department of Safety."

The word "Chief" shall refer to the Chief of the Fort Wayne Fire Department.

The word "City" shall refer to the City of Fort Wayne, Indiana.

EXHIBIT "A"

The word "Commission" shall refer to the Fire Department Merit Commission as provided for hereinafter.

The word "Commissioner" shall refer to any member of the Fire Department Merit Commission.

The words "Common Council" and "Council" shall refer to the Common Council of the City of Fort Wayne, Indiana.

The words "Fire Department" shall refer to the Fort Wayne Fire Department.

The word "Firefighter" shall refer to any active member of the Fort Wayne Fire Department, excluding those members who are assigned to the Department of Traffic Engineering and/or the Communications Department of the City of Fort Wayne, Indiana, and excluding also those former members who are on the retired list of the Fort Wayne Fire Department.

The word "Mayor" shall refer to the Mayor of the City of Fort Wayne, Indiana.

The words "the two parties" shall refer to the two political parties whose respective candidates for Mayor received the highest number of votes at the last preceding city election. The word "party" shall refer to one of said parties.

The conjunctive shall include the disjunctive and the disjunctive shall include the conjunctive. The masculine shall include the feminine and the neuter shall include the feminine and the masculine. The singular shall include the plural and the plural shall include the singular.

## SECTION 2.

### QUALIFICATION AND SELECTION OF COMMISSIONERS.

Within ninety days after the adoption of the Ordinance, the Fire Department Merit Commission shall be selected as hereinafter provided. The Commission shall consist of five members. The members of the Commission shall be residents of the City of Fort Wayne and persons of good moral character. No more than three of the Commissioners shall be members of the same party. Two, but no more than two, of said members may be from the retired list of the Fort Wayne Fire Department and the remaining three members of the Commission shall be drawn from a broad cross section of persons representative of the citizens of the City and shall have an interest in, or a knowledge or understanding of, the various phases of the fire service, as performed by the Fire



Department. Persons shall be ineligible to serve as members of the Commission if they hold elected or appointed positions as officers of any governmental entity, or full time employment as officers or employees of any governmental entity or if they have held any such employment in the preceding four years. Every member appointed or elected to the Commission shall take and subscribe to an oath that he will conscientiously and faithfully discharge the duties of the office. Said oath shall be filed with the City Clerk.

The members of the Commission shall be selected as hereinafter set forth. The active members of the Fire Department shall elect two members of the Commission. One shall be a member of one of the parties and the second a member of the other of the two parties. The Mayor shall then make one appointment to the Merit Commission, after which the Common Council shall make one appointment to the Merit Commission, who shall be a member of the other party from the member of the Commission appointed by the Mayor. The four Commissioners so elected shall select a fifth member by unanimous vote. Of the two members first elected by the active members of the Fire Department, one shall serve for a term of four years and one shall serve for a term of two years. The candidate receiving the highest number of votes by active members of the Fire Department shall serve the four year term and the candidate who is a member of the other party and who receives the highest number of votes of candidates from said party shall serve the two year term. The first Commissioner appointed by the Mayor shall serve for one year. The first Commissioner appointed by the Common Council shall serve for three years. The fifth Commissioner, selected by unanimous vote by the other four, shall serve for a term of four years. Upon the expiration of the aforesaid terms, the terms of each Commissioner shall be for four years.

For the purpose of selecting candidates to be elected by the active members of the Fire Department to serve as members of the Fire Commission, there shall be a nominating committee from each of the two parties. Each such committee shall consist of five members. The Board of Safety shall designate a period of ten days in which to call for and receive the name of any active member of the Fire Department who wishes to serve on one of the two nominating committees. Any such member shall make application to the Board, in writing, within the designated period, identifying the party of which he is a member on his application. In the event there are fewer than five applicants, the Board of Safety shall nominate additional firefighters so that there shall be five.

At the close of the ten day period, the Board shall compile a list of each of the two parties showing the names of all those wishing to serve on the nominating committee of their respective parties. A meeting shall then be called by the Board for members of each of the two parties. All those who have made application to the Board, or who have been nominated by the Board, shall be notified to attend the meeting of their respective parties. If the number of applicants for the nominating committee exceeds five, an election shall be

held. The Board of Safety shall conduct such election. Each applicant shall vote for five applicants by secret ballot. The five applicants receiving the highest number of votes shall be elected to the nominating committee.

It shall be the responsibility of each nominating committee to canvass the community, including members of the retired list of the Fire Department and to select three candidates for election as a member of the Commission. When selected, the names of the candidates shall be placed on ballots to be used in the election as provided for hereinafter. At such election, each voter shall vote for two candidates, one from each of the two parties.

Each nominating committee shall organize itself with a chairperson and a vice-chairperson.

The elections by the active members of the Fire Department shall be made at meetings held on two consecutive days, called for such purpose by the Board of Safety. The Board shall give at least three weeks' notice of said meetings to all members of the Fire Department by posting a copy of the notice in all Fire Company locations, and by sending every active member of the Fire Department a notice indicating the time and place of said meetings. No one shall be entitled to be present at the meetings and exercise the right to vote unless he is a member of the Fire Department.

Each of the nominating committees, as provided for above, shall choose from its own membership one person to serve as a co-chairperson of the election. Said co-chairpersons shall have charge of the conduct of the election. Voting shall be by secret ballot and the candidate receiving the highest number of votes of candidates from said party shall be elected as members of the Commission. Active members of the Fire Department who are on vacation, ill, injured, or otherwise unable to attend either such meeting may vote by written proxy. Said proxy must be notarized and put into a sealed envelope and sent to the co-chairpersons prior to the election and opened and counted immediately after the counting of the ballots at said meeting. The results of the election shall be tabulated and filed with the City Clerk.

Upon the completion of the term of a Commissioner elected by the active members of the Fire Department, or upon any such Commissioner's leaving office for any other reason, the same procedure shall be followed for the election of a new Commissioner as hereinabove specified except that the Board of Safety shall designate a period of ten days in which to call for and receive the name of any active member of the Fire Department who wishes to serve on the nominating committee and who is a member of the same party as the Commissioner whose term has expired or who has left office for any other reason. In the event there are fewer than five applicants, the Board of Safety shall nominate additional firefighters so that there shall be five. At the

close of such ten day period, the Board shall call a meeting for members of said party. All those who have made application to the Board, or have been nominated by the Board, shall be notified to attend the meeting. If the number of applicants exceeds five, an election shall be held. The Board of Safety shall conduct such election. Each applicant shall vote for five applicants by secret ballot. The five applicants receiving the highest number of votes shall be elected to the nominating committee. It shall be the responsibility of the nominating committee so selected to submit a list of three candidates who shall be members of the same party as the members of the nominating committee. The election thereafter held shall be under the supervision of the nominating committee so chosen and confined to the three candidates selected by said committee but all active members of the Fire Department shall be entitled to vote at said election.

### SECTION 3.

#### REMOVAL.

Any Commission member may be removed for cause by the body which selected him. Such removal shall be effected by that body's filing a statement, in writing, in the Office of the City Clerk and a copy shall be served upon the member. Any member shall be removed if he becomes ineligible for reasons of residency or for assuming political office or full time employment as prescribed in Section 2 hereof.

### SECTION 4.

#### COMPENSATION.

Each of the five members of the Commission may be paid a per diem allowance for each day of actual service in an amount not to exceed Fifty Dollars (\$50.00) per day subject to the approval of the Mayor and the Common Council; and in addition, the members may be paid a salary, not to exceed Five Hundred Dollars (\$500.00) per year for each member, subject to the approval of the Mayor and the Common Council.

### SECTION 5.

#### FILLING UNEXPIRED TERM.

In the event a Commissioner is unable to complete his term because of death, sickness, resignation, or any other reason, a Commissioner shall be selected to complete his term in the same manner as he was selected.

### SECTION 6.

#### MEETING AND QUORUM.

Three members of the Commission shall constitute a quorum for the transaction of all official business at meetings of the Commission. Meetings shall be held after each member of the Commission has been notified of the time and place of the meeting by certified mail, return receipt requested, which notice shall be received at least three days before the meeting, or by any other such means as may be agreed upon unanimously by all Commission members.

#### SECTION 7.

##### ESTABLISHMENT OF RULES AND REGULATIONS AND OFFICERS.

Such Commission shall establish rules and regulations to implement the provisions of this Act affecting hiring, rating and promotion of all Fire Department members below the rank of Assistant Chief. Before any such regulations shall be adopted by the Commission, the Commission shall provide for a public hearing to consider the adoption of the proposed rules and regulations. The Commission, at least ten days prior to the fixed date for such public hearings, shall cause a notice of the hearing to be published in two newspapers of general circulation in the City of Fort Wayne, Indiana. The notice shall contain an announcement of the time and place of the hearing and a resume of the subject matter of the proposed rules and regulations.

At least ten days prior to the hearing, one copy of the proposed rules and regulations shall be placed on file in the Office of the City Clerk and shall be open to inspection by any citizen of such City, and additional copies of the proposed rules and regulations shall be forwarded to each Fire Company. At the hearing, any resident of said City, as well as any member of the Fire Department, shall be afforded the opportunity to be heard on any matter relative to the adoption of the proposed rules and regulations, and shall be allowed to present either written or oral testimony. All testimony so presented shall be given due consideration by the Commission in making its final decision on adopting the proposed rules and regulations.

The Commission shall elect, from its members, a chairman, vice-chairman and a secretary, for a one year term. The secretary of the Commission shall make and keep permanent record of its proceedings. The Commission shall be authorized and directed to prepare and adopt rules and regulations governing the hiring of persons to be employed as members of the Fire Department, the rating of persons employed as active members of the Fire Department and the promotion of members of the Fire Department up to and including the rank of District Chief, from the next lower rank.

Duplicate personnel files and records involving individual members of the Fire Department are to be maintained in locked files in the office of the Fire Chief and in the office of the Commission. These records are to be used only by the Fire Chief and the Commission or their authorized representatives. Any

individual firefighter, or his authorized representative, may examine his own file, but none of such personnel files and records are public record.

All test material shall be the property of the Commission. Any unauthorized distribution of such material shall be punishable, upon conviction, by a fine of One Thousand Dollars (\$1,000.00) or such an amount as shall be the maximum permitted by state law.

#### SECTION 8.

##### HIRING

The Commission shall cause all applicants for the Fort Wayne Fire Department to be tested, in a manner it determines. The Commission shall establish and maintain a list of eligible candidates based on the results of such tests, those scoring highest to be placed at the head of the list. As openings occur in the department, the Commission shall supply the Board of Public Safety with a list of eligible candidates on a ratio of applicants to opening of no greater than one and six tenths or no less than one and five tenths (three to two ratio or the next highest multiple). In the event of one opening, two applicants shall be provided.

#### SECTION 9

##### JOB DESCRIPTION

###### **FIRE CHIEF:**

Responsible for the overall supervision and control of the Fire Department which includes development of policy and procedures, budget preparation, personnel administration, discipline, public relations and fire scene command, monitoring the Fire Department radio frequency and normally on call at all times.

###### **DEPUTY CHIEF:**

Responsible for overall supervision when the Chief is out of town or incapacitated. Handles routine day to day duties. In charge of buildings and grounds of the fire stations. Preparation and supervision of budgets and accounting. In charge of personnel and records; overall control of offices and respective personnel. Second level of command.

###### **ASSISTANT CHIEF:**

Senior officer on duty in combat division,

A, B or C shifts. Exercises field control of shift to which assigned. In charge of fire scene unless relieved by the Chief or Deputy Chief. Third level of command.

ASSISTANT CHIEF  
FIRE SHOP:

Responsible to the Fire Chief for the maintenance shop, the mechanical condition and maintenance of all Fire Department vehicles, apparatus, tools and equipment, including the repair and testing of such equipment.

ASSISTANT CHIEF  
TRAINING DIVISION:

In charge of all phases of personnel training and maintaining records. In charge of the training academy.

ASSISTANT CHIEF  
FIRE PREVENTION  
BUREAU:

Supervises record section of the Fire Department consisting of Fire Department runs, Emergency Medical Service runs, completion of State Fire Marshall Report forms and Monthly Report forms. Supervises the inspections required by law of all commercial, industrial, mercantile, and other buildings in the corporate limits. Exercises responsibility for enforcement of State Article VII codes, concerning the applicable fire safety laws. Supervises activities in the field of fire safety education of community groups. Recommends to the administration any additions or changes to the Fire Prevention Code. Supervises the investigations of any suspected arson and other activities done by the investigative section. Performs public relations work for the department such as preparing news releases, public appearances on television, and public speaking engagements.

DISTRICT CHIEF:

Responds to all fire alarms in his respective portion of the City except "stills." Takes initial command of a fire scene and directs fire extinguishing operations by the various Fire Companies on the scene. If the Assistant Chief responds to the fire scene, the District Chief relinquishes com-

mand. Shall notify the Fire Prevention Bureau if arson is suspected or if the fire cause is undetermined. Shall also visit each fire station under his command every day, if practical.

DISTRICT CHIEF  
(DEPUTY CHIEF)  
FIRE PREVENTION  
BUREAU:

Works with the Fire Prevention Assistant Chief. During the absence of the Fire Prevention Assistant Chief, assumes the duties of the Fire Prevention Chief.

PLATOON CAPTAIN  
COMBAT:

Next rank below that of District Chief, in command of a rescue unit. In the absence of the District Chief, the Platoon Captain assumes the duties of the District Chief. At fires involving sprinkled buildings, it is the duty of the Platoon Captain to see that standpipes are being supplied with water from one of the pumps and to see that the merchandise and furnishings are properly protected with salvage covers whenever necessary.

PLATOON CAPTAIN  
FIRE SHOP:

Responsible to Assistant Chief of the Fire Shop. Handles routine assignments and prepares daily work loads for mechanics.

PLATOON CAPTAIN  
TRAINING DIVISION:

Assists Assistant Chief of the Training Division in training men, house duties and maintaining records.

PLATOON CAPTAIN  
INSPECTORS:

Inspects all buildings pertaining to the Fire Prevention Code, investigates fires and public relations work for the department.

CAPTAIN:

Assigned to Engine Companies. The Company Officer is responsible for the morale, discipline, training and performance of his particular Fire Company. Responsible for the condition of the building and apparatus. In the event that two Captains are assigned to the same Engine House, the Captain with the most overall seniority shall be the Station Commander.

CAPTAIN  
FIRE SHOP:

Performs duties of regular maintenance and repairs on all vehicles under the supervision

of the Assistant Chief of the Fire Shop.

LIEUTENANT:

In charge of Ladder Companies. In the absence of the Captain, the Lieutenant assumes the duties of the Captain.

## SECTION 10.

### RATINGS AND PROMOTION.

The rules and regulations of the Commission shall prescribe that the following four factors shall be the basic components in rating a member of the Fire Department and that such ratings shall determine the eligibility of all Fire Department personnel for promotion to new positions or to fill vacancies in all ranks below Assistant Chief. Such eligibility ratings shall remain valid for a period of three years. All members of the Fire Department interested in promotion under the provisions of this Act are eligible for a rating as hereinafter provided.

FACTOR 1. THE SENIORITY RIGHTS OF A MEMBER OF THE FIRE DEPARTMENT. The seniority rights of a member shall be based on two percent per year service up to and including fifteen years. For the purpose of awarding credit for incomplete years of service, a formula of one sixth of one percent per month shall be applied.

FACTOR 2. THE GRADE RECEIVED BY A MEMBER ON A COMPETITIVE EXAMINATION PERTAINING TO THE FIRE SERVICE IN FORT WAYNE. A maximum of forty percent shall be awarded on the competitive examination. Consideration for the maximum award shall be equally divided between a written examination and the hands on performance of fire fighting evolutions.

FACTOR 3. PERSONAL INTERVIEW BY THE COMMISSION. A maximum of ten percent shall be awarded for the personal interview. A personal qualification guide (resume) shall be presented to the Commission prior to the appearance of any member.

FACTOR 4. PAST PERFORMANCE. A maximum of twenty percent shall be awarded for past performance. On initial implementation all members shall receive credit for the full twenty percent for past performance. Thereafter, to prescribe the manner of determining, a rating for past performance, the rules and regulations shall contain a provision requiring that performance ratings shall be made every six months for each member of the Fire Department, not including the Fire Chief. Such ratings shall be made by the immediate superior officer of the member and shall be given to the member, in person, by that officer, so that the member has full knowledge of his rating. The member being rated shall affix his signature to his



rating. The member's signature shall indicate full knowledge of the rating but shall not be construed as being an approval or a disapproval of the same. Such ratings shall then be submitted as a written report to the Fire Chief and the Commission for permanent file in their respective offices. Said report shall be made up of at least five descriptive areas, including quality of work, quantity of work, attitude toward work, relationship with people and the supervision of employees (if applicable). The report shall be used by the immediate superior officer for further evaluation. This evaluation shall be limited to overall description. It shall be further provided that the Fire Chief of the department shall allow any member to see their rating upon request. If then any member is dissatisfied with his rating, he may submit a written statement to be attached permanently to such report and may request a hearing with the Commission within thirty days of such rating being disclosed to the member. The Commission shall then hear the case with the member and the immediate superior officer present. The Commission shall have the authority to affirm or increase the rating.

#### SECTION 11.

##### TIME REQUIREMENTS FOR PROMOTION.

In order for a member of the Fire Department to be considered for promotion to a higher rank, the member shall have served as an active member of said department for the period of time and in the ranks as set forth below:

PRIVATE for a period of time not less than five years.

LIEUTENANT for a period of time not less than three years.

CAPTAIN for a period of time not less than two years. In the event a vacancy occurs in any rank prior to three years from the date the first merit appointment is made, the Commission shall have the authority to fill that vacancy with the firefighter Most Qualified by reducing the time in rank requirement as set forth above, such reduced time requirement to be not less than the elapsed time from the first merit appointment.

In order for any active member of the Fire Department to be appointed as an Administrative Appointee, he shall have served not less than eight years on the department.

#### SECTION 12.

##### EXCEPTION TO THE TIME REQUIREMENT FOR PROMOTION.

There shall be no time in grade requirement for those officers who are to be placed in the specific ranks below that of Assistant Chief following

the tests for promotion. When such tests are given again, such officers shall not have to return to lower ranks to satisfy the time in grade requirement; provided however, they shall have the proper amount of seniority as set forth in Section 11.

### SECTION 13.

#### PROMOTION AND DEMOTION.

All promotion to any rank shall be made from the next immediate lower rank, except promotions to the rank of Fire Chief, Deputy Chief and Assistant Chief. The Board of Safety shall have the authority to promote to or demote from said ranks. Demotion from any of said ranks shall mean demotion from rank only and not removal from department, except in the case as from removal for cause. IC 18-1-11-3. While serving in any of the aforesaid ranks, a firefighter shall be eligible to increase his permanent rank one grade. If a firefighter serving in any of the aforesaid ranks attains eligibility for such next higher grade, he shall accrue seniority in that grade while serving as Fire Chief, Deputy Chief or Assistant Chief. If such a firefighter desires to increase his permanent grade to the second higher level, he may do so, provided, however, that if he qualifies for promotion to such level, he is to resign his position as Fire Chief, Deputy Chief or Assistant Chief, and accept promotion in his permanent rank at such time as an opening occurs and he must serve in said rank for a minimum of six months before he may be appointed to the rank of Fire Chief, Deputy Chief or Assistant Chief.

Any firefighter demoted from the rank of Fire Chief, Deputy Chief or Assistant Chief shall be assigned to the last permanent rank he had attained through merit appointment in the division from which he was promoted.

In the event there are no openings in such last permanent rank, the firefighter holding the least seniority in that rank immediately below will be demoted to the next lower rank until such a time as the next opening occurs in the rank from which he was demoted or any rank in between in the event his temporary demotion was more than one grade. If two or more persons hold the same seniority, the person with the lowest composite score in the testing for that rank shall be demoted. Provided, however, that if the bumping of personnel, caused by the demotion process as set forth above, should cause any Fire Department division to become overloaded with personnel, the Fire Chief shall cause excess personnel to be transferred to another division.

### SECTION 14.

#### CONTINUING COMPETENCY.

SECTION 14A. For the purpose of determining the continuing

competency of officers holding merit appointments under this Ordinance, all such officers shall be retested every three years. If any such officer fails to attain a grade of an acceptable level as determined and announced prior to the test by the Commission, there shall be a period of up to sixty days following the grading of the tests in which he may retake the test in an effort to raise his grade. If at that time he again fails to attain an acceptable grade, he shall be demoted to the next lower rank and shall not be eligible for promotion until such a time as testing is conducted to determine eligibility for openings in the rank from which he was demoted.

SECTION 14B. Any officer holding an appointment under this Ordinance and any private may question the competency of any officer holding an appointment under this Ordinance by submitting written charges in duplicate to the Fire Chief and to the Chairman of the Commission. The Fire Chief and the Chairman of the Commission shall examine such charges and refer them to the three immediate superiors of the individual being charged. The Fire Chief, the Chairman of the Commission and the three immediate superiors shall, within two weeks, hold a hearing with both the individual charged and the individual filing the charges being present. Each of the parties involved shall be entitled to subpoena witnesses. The persons hearing the case shall make a judgment and said judgment shall be referred to the Commission as a body for further action as it may deem appropriate.

In the case of a Lieutenant, the three immediate superiors shall be considered his Captain, Platoon Captain and District Chief. In the case of a Captain, the three immediate superiors shall be considered his Platoon Captain, District Chief and Assistant Chief. In the case of a District Chief, the three immediate superiors shall be considered his Assistant Chief, Fire Chief and Commission Chairman. In each instance, those officers hearing any such charges shall be from the same shift as the officer being accused.

#### SECTION 15.

##### GRIEVANCE PROCEDURE.

The nature of the fire service is such that serious grievances arise more often than in many other occupations, and personal frustration over the implementation of this Ordinance may increase the number of such grievances. This Section 15 is intended to provide an expeditious and equitable method of resolving such grievances.

Grievances which may arise, with the exception of those relating to competency as defined in Section 14B, shall be resolved in the manner set forth below. Likewise excluded from these procedures shall be all matters that apply to the annual compensation (salary) paid to Fire Department member as determined

through action of the Common Council.

STEP I: If a grievance does exist, the aggrieved party shall present, in writing, the grievance to the Chief of the Fire Department for adjustment.

STEP II: The Chief of the Fire Department shall meet with the aggrieved party within five business days. If within five business days from the date of the first meeting with the Fire Chief the grievance has not been mutually settled, it shall be submitted to the Chairman of the Board of Safety for consideration and mutual adjustment. The Chairman of the Board of Safety shall arrange to meet with the aggrieved party within five business days after receipt of such grievance. Within five business days following the first meeting with the Chairman of the Board of Safety, the Board shall give its written answer.

STEP III: In the event the aggrieved party is not satisfied with the answer of the Board of Safety of said grievance and desires to take said grievance to arbitration, he shall notify the Chairman of the Board of Safety, in writing, of his intention to do so within ten business days after receipt of the answer of the Board of Safety to said grievance. The aggrieved party shall then immediately forward a written request to the American Arbitration Association to name a panel of three arbitrators from which an arbitrator shall be chosen. Upon receipt of panel, the employer and the aggrieved party each shall strike an arbitrator within two business days. In the event an arbitrator cannot be selected by the above process, the American Arbitration Association shall select the arbitrator. The conduct of the arbitration shall be governed by the rules of the American Arbitration Association. The findings of the arbitrator shall be final and binding on all parties, unless it is determined that said findings are in violation of Indiana law. The aggrieved party and the employer will share equally the costs for the services of the arbitrator.

## SECTION 16.

### THE INITIAL APPOINTMENTS.

No later than fifteen months after the adoption of this Ordinance, the Commission shall have held competitive examinations and interviews, open to all firefighters, for the purpose of determining the ratings of members of the Fire Department, the Commission shall have completed the seniority credit for each firefighter and the Commission shall have given each firefighter twenty percent credit for past performance, all as contemplated by Section 10 of this Ordinance. As soon as practicable after the completion of such competitive examinations and interviews, but in no event later than eighteen months after the adoption of this Ordinance, the Commission shall make individual appointments to each rank from Lieutenant through District Chief, each inclusive. Such appointments shall become effective at dates to be determined by the Commission but all such appointments shall be effective no later than eighteen months

after the adoption of this ordinance.

Except in such cases as firefighters may be reappointed to the same ranks as they held prior to the initial appointments by the Commission described in the immediately preceding paragraph of this Ordinance, the making of such appointments shall effect the removal of all firefighters holding ranks below that of Assistant Chief from the respective ranks they held immediately prior to such initial appointments, it being undesirable and unnecessary to have a duplication of rank.

Prior to the making of the initial appointments under this Ordinance all officers of the Fire Department, with the exception of the Chief, shall retain their respective ranks; provided, however, that any such officer may be removed pursuant to IC 18-1-11-3 and provided, further, that, in the event any court of competent jurisdiction makes a determination that any former officer was wrongfully demoted from his rank, such former officer shall be restored to his rank and an officer presently serving in such rank shall be removed.

#### SECTION 17

##### BOARD OF PUBLIC SAFETY APPOINTMENTS

Except as provided in Section 13 above, the Fire Chief shall continue to hold office at the discretion of the Board of Public Safety, and his qualifications shall not be subject to the examination procedures of the Commission. When appointing a Fire Chief, Deputy Chief, or Assistant Chief after the implementation of this Act, the Board of Public Safety must make said appointment from a member of the Fire Department with a permanent rank of not less than Captain. Promotions to the ranks of Fire Chief, Deputy Chief, and Assistant Chief shall be made by the Board of Public Safety from the active membership of the Fire Department provided that any member, in order to be eligible for appointment to any such rank of Fire Chief, Deputy Chief or Assistant Chief, shall be required to have served as an active member of said department for not less than the period of time as set forth in Section 11 and in the ranks as set forth in Section 11 and provided, further, that he has attained the rank of Captain through the process of competitive examination.

#### SECTION 18.

##### ESTABLISHMENT OF ENGINEER GRADE.

The Commission shall, within three years from the date of the implementation of this Act, establish the rank of Second Engineer and First Engineer to be filled through competitive examination.

A Second Engineer shall be the firefighter who is regularly assigned

to drive and operate those pieces of Fire Department apparatus commonly referred to as aerial ladders, snorkels or elevated platforms.

A First Engineer shall be that firefighter who is regularly assigned to drive and operate those pieces of Fire Department apparatus commonly referred to as pumps, pumpers, or engines.

#### SECTION 19.

##### FIRE PREVENTION BUREAU

The Assistant Chief of the Fire Prevention Bureau shall be appointed by the Board of Public Safety. In no event shall the Assistant Chief of the Fire Prevention Bureau be promoted to that rank from a grade lower than Captain.

All firefighters shall be given the opportunity to participate in a competitive examination to determine a permanent grade level in the Fire Prevention Bureau, provided that they have not less than five years of service on the Fire Department regardless of the division to which they were previously assigned.

There shall be no time in grade requirement for Fire Department personnel testing for the Fire Prevention Bureau.

The firefighter serving as Fire Prevention Bureau Assistant Chief, at the time this Ordinance becomes effective, shall be eligible to participate in any such testing to determine the permanent grade to which he shall be assigned on his demotion. In no event shall the Assistant Chief of the Fire Prevention Bureau be demoted to a grade lower than that from which he was promoted, provided that grade was attained through merit testing.

The method of rating and promotion of firefighters testing for the Fire Prevention Bureau shall be as outlined in Section 10, with the exception that no hands on performance of Fire Department evolutions shall be required. A maximum of forty percent shall be awarded on the competitive examination for the Fire Prevention Bureau.

After testing, a list shall be compiled by the Commission of the total composite scores. That firefighter awarded the highest composite score shall appear at the top of said list and shall be deemed first eligible. The names of all other Fire Department members tested for the Fire Prevention Bureau shall appear in order of their total composite scores.

The Fire Department member deemed first eligible shall be named Deputy Chief of the Fire Prevention Bureau.

The remaining Fire Department members deemed eligible for promotion

shall be awarded the rank of Platoon Captain in order of their composite scores, and in sufficient numbers to fill all available openings for that rank as are allocated to that division at that time.

After a sufficient number of eligibles have been placed in the rank of Platoon Captain to fill all available openings, the remaining eligibles shall be awarded the next lower rank in sufficient numbers to fill all openings for that rank as are allocated to that division at that time.

A similar procedure shall be employed until all allocated ranks are filled with eligible from those Fire Department members tested.

The Fire Chief may, at his discretion, assign medically disabled Fire Department members to the Fire Prevention Bureau on a temporary or permanent basis, provided that the medically disabled member shall not displace or otherwise cause to be removed any Fire Prevention Bureau Officer who has attained rank through merit testing.

## SECTION 20.

### TRAINING DIVISION.

The Assistant Chief of the Training Division shall be appointed by the Board of Public Safety. In no event shall the Assistant Chief of the Training Division be promoted to that rank from a grade lower than Captain.

All firefighters shall be given the opportunity to participate in testing for a permanent grade level in the Training Division, provided that they have not less than five years of service in the Fire Department, regardless of the division on which they were previously assigned.

There shall be no time in grade requirement for the firefighters testing for the Training Division. That individual serving as Training Division Assistant Chief at the time this Ordinance becomes effective shall be eligible to participate in any such testing to determine the permanent grade to which the member shall be assigned upon his promotion.

The Training Division Assistant Chief shall not be demoted to a grade lower than the last permanent rank attained.

The method of rating and promotion of Fire Department members testing for the Training Division shall be as outlined in Section 10 with the hands on performance relating to the teaching of a given assignment. After testing, a list shall be compiled by the Commission of the total composite scores. That Fire Department member awarded the highest composite score shall appear at the top of said list and shall be deemed first eligible. The names of all other Fire Department members tested for the Training Division shall appear in order of their total composite scores.



The Fire Department member deemed first eligible for promotion shall be awarded the rank of Platoon Captain, Training Division. The remaining members deemed eligible for promotion shall fill all available openings for that division as are allotted to that division at that time.

#### SECTION 21.

##### FIRE SHOP.

The Master Mechanic of the Fire Shop shall be appointed by the Board of Public Safety. The Platoon Captain of the Fire Shop shall be an administrative appointee. The Fire Shop shall be comprised of the following ranks: Master Mechanic, Platoon Captain, Captain, Lieutenant and Private. Privates shall serve not less than one year in the Fire Shop to be eligible for promotion to Captain in the Fire Shop. Platoon Captain shall come from the Captain's rank within the Fire Shop. For the purpose of evaluating Fire Shop personnel below the rank of Platoon Captain, Section 10 shall apply. Said evaluations to be made by the Fire Shop Platoon Captain and the Master Mechanic. In the case of the Fire Shop Platoon Captain, the Master Mechanic shall make the required evaluation.

From the effective date of this Act, all new Fire Shop personnel shall be required to have five years aggregate previous experience, educational and practical, in all of the following fields: light mechanics, heavy truck mechanics, hydraulics, welding and diesel. All Fire Shop personnel shall be required to attend the Fire Department Training Academy.

#### SECTION 22.

##### RATINGS AND PROMOTIONS SUBJECT TO RULES AND REGULATIONS

All ratings and promotions made by the Commission shall be subject to the rules and regulations of the Commission, and to the statutes of the State of Indiana.

#### SECTION 23.

##### POLITICAL INVOLVEMENT.

Firefighters coming under the provisions of this Act are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official coming under the provisions of this Act who attempts same shall be guilty of violating the provisions of this Act and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00).



SECTION 14EFFECTIVE DATE.

This Act shall be effective on its adoption.

SECTION 15.SEVERABILITY.

If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following

Ayes: Six

Barns, Hinga, Moses, V. Schmidt, Stier, Talarico

Nays: Two

Hunter, D. Schmidt

Abstained: One

Nuckols

Date: 11-22-77

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana General Ordinance No. G-41-77 on the 22nd day of November, 1977.

ATTEST: (SEAL)

Charles W. Westerman  
City Clerk

John Nuckols  
Presiding Officer

PASS BY THE REQUIRED (2/3) TWO-THIRD VOTE BY COUNCIL TO OVERRIDE  
THE MAYOR'S VETO

CLERK'S CERTIFICATION

The undersigned, Charles W. Westerman, hereby certifies that the above and foregoing is a true copy of General Ordinance No. G-41-77 of the City of Fort Wayne, Indiana, as the same appears in General Ordinance Record 20, Pages 209-219 in the Office of the Clerk of the City of Fort Wayne, Indiana.

The undersigned further certifies that the said ordinance was duly adopted by the Common Council of the City of Fort Wayne, Indiana, on November 8, 1977, that the same was vetoed by Robert E. Armstrong, Mayor of the City of Fort Wayne, Indiana, on November 18, 1977, and that the same was duly passed over the Mayor's veto by the Common Council of the City of Fort Wayne, Indiana, on November 22, 1977.

Witness my hand and seal this 30th day of November, 1978.

\_\_\_\_\_  
Charles W. Westerman, Clerk



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

August 22, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 25, 1977 and September 1, 1977, in both the News Sentinel and Journal Gazette.

RE: Notice of Public Hearing  
regarding:

Bill No. G-77-07-29  
To establish a Fire Merit Commission

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

43

2

46

## COMPUTATION OF CHARGES

46 lines, 1 columns wide equals 46 equivalent lines at 259¢  
cents per line

\$ 11.91

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 13.41

## DATA FOR COMPUTING COST

Width of single column 9.9  
ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

September 1

Date 1977

Title CLERK

## PUBLIC HEARING

Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 136, in the City-County Building, Fort Wayne, Indiana, on Thursday, the 8th day of September, 1977, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-77-07-29 being a proposed General Ordinance to establish a Fire Merit Commission for Fort Wayne Fire Department.

Copies of said Bill No. G-77-07-29 are posted in the following public places in Fort Wayne, Allen County, Indiana:

(a) The main floor lobby of the City-County Building  
(b) The bulletin board in the lobby at the east door of the Allen County Court House

(c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana:

(a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library

(b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana Charles W. Westernman, City Clerk

1. Charles W. Westernman, Clerk of the City of Fort Wayne, fulfilled and posted the above Ordinance in the designated places as stated above on August 25, 1977.

8-25/9-1 Charles W. Westernman  
City Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

8/25 &amp; 9/1/77

Subscribed and sworn to before me this 1st day of September 1977

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

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TOTAL AMOUNT OF CLAIM

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Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date September 1, 1977

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

8/25 &amp; 9/1/77

Subscribed and sworn to before me this 1st day of September, 1977

My commission expires September 28, 1979

Notary Public

**PUBLIC HEARING**

Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Thursday, the 8th day of September, 1977, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-77-07-29 being a proposed General Ordinance to establish a Fire Merit Commission for Fort Wayne Fire Department.

Copies of said Bill No. G-77-07-29 are posted in the following public places in Fort Wayne, Allen County, Indiana:

(a) The main floor lobby of the City-County Building

(b) The bulletin board in the lobby at the east door of the Allen County Court House

(c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana:

(a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library

(b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman, Clerk of the City of Fort Wayne, furnished and posted the above Ordinance in the designated places as stated above on August 25, 1977.

Charles W. Westerman  
City Clerk.

COPY OF  
MENT HERE



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

November 29, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates December 1, 1977 and December 8, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

General Ordinance No. G-43-77  
Bill No. G-77-07-13

Bill No. G-77-07-29 (AS AMENDED)  
General Ordinance No. G-41-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 2

LEGAL NOTICE

Notice is hereby given that on the 22nd day of November, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, being AN ORDINANCE establishing a Merit Commission for the Fort Wayne Fire Department, providing for the selection of members for said commission, providing for the establishment and operation of a merit system to govern the appointment and promotion of members of said department and providing members of said department a method for the resolution of grievances.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, was passed by the Common Council on the 22nd day of November, 1977, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of November, 1977.

  
Charles W. Westerman  
City Clerk

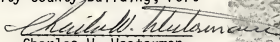



Copies of said BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are posted in the following public places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby at the east door of the Allen County Court House
- (3) The bulletin board in the lobby of the Downtown Fort Wayne Public Library


Copies of said BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are also available for reading in the following public places in Fort Wayne, Indiana, County, Indiana.

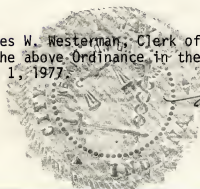
- (4) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

  
Charles W. Westerman  
City Clerk



I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on December 1, 1977.

  
Charles W. Westerman  
City Clerk





## Common Council of Fort Wayne

(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines 66Tail number of lines 2Total number of lines in notice 68

## COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at .2594 \_\_\_\_\_  
cents per line 17.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM

19.11

## DATA FOR COMPUTING COST

Width of single column 9.9 emsSize of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Notice is hereby given that on the 22nd day of November, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, being AN ORDINANCE establishing a Merit Commission for the Fort Wayne Fire Department, providing for the selection of members for said commission, providing for the establishment and operation of a merit system to govern the appointment and promotion of members of said department and providing members of said department a method for the resolution of grievances.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, was passed by the Common Council on the 22nd day of November, 1977, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of November, 1977.  
CHARLES W. WESTERMAN  
City Clerk

Copies of said BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are posted in the following public places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building.

(2) The bulletin board in the lobby at the east door of the Allen County Court House.

(3) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

Copies of said BILL NO. G-77-07-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are also available for reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library.

(5) The Journal of the Common Council Proceedings in the lobby of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN  
City Clerk

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

per 8, 19.77

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

12/1-8/77

Subscribed and sworn to before me this 8th day of December 1977

Notary Public

My commission expires September 28, 1979





Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

66

2

68

## COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at .259¢

\$ 17.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 19.11

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Notice is hereby given that on the 22nd day of November, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, being AN ORDINANCE establishing a Merit Commission for the Fort Wayne Fire Department, providing for the selection of members for said commission, providing for the establishment and operation of a merit system to govern the appointment and promotion of members of said department and providing members of said department a method for the resolution of grievances.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that BILL NO. G-77-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, was passed by the Common Council on the 22nd day of November, 1977, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of November, 1977.

CHARLES W. WESTERMAN  
City Clerk

Copies of said BILL NO. G-77-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are posted in the following public places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City-County Building  
(2) The bulletin board in the lobby of the east door of the Allen County Court House

(3) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said BILL NO. G-77-29 (AS AMENDED) - GENERAL ORDINANCE NO. G-41-77, are also available for reading in the following public places in Fort Wayne, Indiana.

(4) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on December 1, 1977.

CHARLES W. WESTERMAN  
City Clerk

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

*Arvilla DeWald*

DEC 8, 19 77

Title

CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

12/1-8/77

Subscribed and sworn to before me this 8th day of December, 1977

*Harry J. Jones*  
Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines 66Tail number of lines 2Total number of lines in notice 68

## COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at 25.94 cents per line\$ 17.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM

\$ 19.11

## DATA FOR COMPUTING COST

Width of single column 9.9 emsSize of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 8, 19 77Title \_\_\_\_\_  
CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:12/1-2/77Subscribed and sworn to before me this 8th day of December, 19 77

Notary Public

My commission expires September 28, 1979EACH COPY OF  
ADVERTISEMENT HERE

at the east door of the Allen County Court House  
(3) The bulletin board in the lobby of the Downtown Fort Wayne Public Library  
Copies of said BILL NO. G-77-07-29 (AS AMENDED) GENERAL ORDINANCE NO. G-41-77, are also available for reading in the following public places in Fort Wayne, Indiana:  
(4) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library  
(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122 City-County Building, Fort Wayne, Indiana.  
CHARLES W. WESTERMAN  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on December 1, 1977.  
CHARLES W. WESTERMAN  
City Clerk